

1

VICE-CHAIRMAN
MARTY COOKE
BOARD MEETING PACKET
04-01-13



**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA
APRIL 1, 2013
6:30 P.M.**

- I. Call to Order/ (Closed Session) 6:00 P.M.**
- I. Call to Order/ (Regular Session) 6:30 P.M.**
- II. Invocation/Pledge of Allegiance**
- III. Adjustments/Approval of Agenda**
- IV. Public Comments**
- V. Approval of Consent Agenda**
- A. Minutes**
 - 1. **March 13, 2013 Agenda Meeting Minutes** pg. 9
 - 2. **March 18, 2013 Regular Meeting Minutes** pg. 10-25
- B. Tax**
- C. Finance** pg. 26-32

Application Public School Building Capital Fund ADM (Corporate Tax) Fund

Attached is an application for the school system to use the remaining balance of \$3,018.61 held by the State in the Public School Building Capital Fund ADM (Corporate Tax) Fund for technology projects as outlined in the local schools technology plan for Brunswick County Schools: Twenty First Century. The request was made by Freyja Cahill, Finance Officer of Brunswick County Schools. There is concern that the funds may be taken from the State if they are not requested and drawn. Ms. Cahill will request the Board of Education to approve the application at their next scheduled meeting.

General Fund-Sheriff's Office

Revenues:

Concealed Weapons Permits	104310-334810	\$30,761
Miscellaneous Revenue – DARE Camp	104310-383306	\$5,607

Expenditures:

Concealed Weapons Permits	104310-466500	\$30,761
Special Program Materials- DARE Camp	104310-423109	\$5,607

The Sheriff requests the budget amendment above to appropriate DARE Camp Revenue for use in the camps that begin next month and to appropriate Concealed Weapons Permits Fees

for required State remittances associated with the weapons permits. There is a 50% fee for each permit that must be paid to the State.

Wastewater-Debt Service

Revenues:

NEWWTP- Navassa Debt Reimbursement	629100-383296	\$(24,035)
NEWWTP- Leland Debt Reimbursement	629100-383297	\$(164,111)
NEWWTP- Northwest Debt Reimbursement	629100-383298	\$(27,695)
NEWWTP-H2GO Debt Reimbursement	629100-383299	\$(97,371)

Expenditures:

Principal-2012c Enterprise	629100-471061	\$(281,081)
Principal-2012C Interest	629100-472061	\$(72,819)
Principal-2012B Interest	629100-472060	\$3,522
Contingency	629100-499100	\$37,166

The budget amendment above is to reduce wastewater debt service revenue from participants, debt service payments to bond holders and place the excess in a contingency account in the sewer fund. The reduction is due to financings completed after the FY 13 budget that resulted in savings to the county and participants.

Airports Capital Projects Fund

Revenues:

36237.45.10.4 Grant Revenue	438157-332099	\$2,359
-----------------------------	---------------	---------

Expenditures:

36237.45.10.4 Grant Expenditures	438157-449809	\$2,359
----------------------------------	---------------	---------

The budget amendment above is to appropriate additional federal grant funding for the Cape Fear Regional Airport Land Acquisition Project. The funds will be used to reimburse the county for project funds advanced.

**County of Brunswick, North Carolina
Brunswick County Airport Capital Project Fund**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Capital Project Fund:

Airport Capital Project Fund:**Revenues:**

36237.45.13.2	\$3,975,000
36244.58.4.1	\$62,000
36237.45.10.2	\$513,265
36237.45.10.3	\$409,235
36237.45.10.1	\$150,000
36244.58.5.1	\$2,701,000
36237.45.11.1	\$288,721
36244.58.6.1	\$3,000,000
36237.45.10.4	\$172,359
36237.45.13.1	\$224,887
36244.58.7.1	\$85,000
Transfer from County Capital Reserve	<u>\$2,216,459</u>
Total Airport Capital Project Fund Revenues	\$13,797,926

Expenditures:

36237.45.13.2	\$3,975,000
36244.58.4.1	\$62,000
36237.45.10.2	\$618,720
36237.45.10.3	\$409,235
36237.45.10.1	\$150,000
36244.58.5.1	\$2,763,964
36237.45.11.1	\$288,721
36244.58.6.1	\$3,000,000
36237.45.10.4	\$172,359
36237.45.13.1	\$224,887
36244.58.7.1	\$85,000
Miscellaneous Expense	\$219,855
Land	<u>\$1,828,185</u>
Total Airport Capital Project Fund Expenditures	\$13,797,926

Section 2. This Capital Project Ordinance shall be entered into the minutes of the April 1, 2013 meeting of the Brunswick County Board of Commissioners.

Airports Capital Projects Fund**Revenues:**

Transfer from General Fund	438157-398110	\$(439,354)
----------------------------	---------------	-------------

Expenditures:

Miscellaneous Expense	438157-449900	\$(123,041)
-----------------------	---------------	-------------

Land	438157-464011	\$(316,313)
------	---------------	-------------

County Capital Reserve Fund**Revenues:**

Transfer from General Fund	439801-398110	\$439,354
----------------------------	---------------	-----------

Expenditures:

Airport Certification Designated	439801-464254	\$(100,000)
----------------------------------	---------------	-------------

Undesignated Funds	439801-464299	\$539,354
--------------------	---------------	-----------

The budget amendment above is to transfer \$539,354 of funds designated for the airport that are not anticipated to be needed for the airport to the County Capital Reserve Undesignated Reserve Funds for future appropriation at the discretion of the Board of Commissioners. This action will retain the \$300,000 approved for the airport at the March 18, 2013 commissioner meeting.

County of Brunswick, North Carolina
Brunswick County Airport Capital Project Fund

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Capital Project Fund:

Airport Capital Project Fund:**Revenues:**

36237.45.13.2	\$3,975,000
36244.58.4.1	\$62,000
36237.45.10.2	\$513,265
36237.45.10.3	\$409,235
36237.45.10.1	\$150,000
36244.58.5.1	\$2,701,000
36237.45.11.1	\$288,721
36244.58.6.1	\$3,000,000

36237.45.10.4	\$172,359
36237.45.13.1	\$224,887
36244.58.7.1	\$85,000
Transfer from County Capital Reserve	<u>\$1,777,105</u>
Total Airport Capital Project Fund Revenues	\$13,358,572
<u>Expenditures:</u>	
36237.45.13.2	\$3,975,000
36244.58.4.1	\$62,000
36237.45.10.2	\$618,720
36237.45.10.3	\$409,235
36237.45.10.1	\$150,000
36244.58.5.1	\$2,763,964
36237.45.11.1	\$288,721
36244.58.6.1	\$3,000,000
36237.45.10.4	\$172,359
36237.45.13.1	\$224,887
36244.58.7.1	\$85,000
Miscellaneous Expense	\$96,814
Land	<u>\$1,511,872</u>
Total Airport Capital Project Fund Expenditures	\$13,358,572

Section 2. This Capital Project Ordinance shall be entered into the minutes of the April 1, 2013 meeting of the Brunswick County Board of Commissioners.

D. Operation Services-Bethel Methodist Church Tip Fee Exemption pg. 33-35
Staff requests approving Tipping Fee Exemption for Bethel United Methodist Church.

VI. Presentation

1. **National Telecommunicators Week April 14-20 2013 (Tom Rogers)** pg. 36-38

VII. Public Hearing

1. **Planning – Zoning & Map Amendment Z-13-697 Second Reading & Adoption (Leslie Bell)** pg. 39-56

Planning Staff recommends approval from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1680002401 located off Ocean Highway W. (US 17) and Quilt Road SW (SR 1203) near Supply, NC.

Planning Board recommends approval from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1680002401

located off Ocean Highway W. (US 17) and Quilt Road SW (SR 1203) near Supply, NC [6 to 0 with Dr. James Graham, Jr. and Eric Dunham being absent].

2. Planning – Unified Development Ordinance Text Amendment UDO-13-01 pg. 57-62
 Planning Staff recommends approval.

Planning Board recommends approval [6 to 0 with Dr. James Graham, Jr. and Eric Dunham being absent].

3. Public Utilities – Brunswick County’s Sewer Use Ordinance Amendments (Jerry Pierce) pg. 63-115

VIII. Administrative Report

1. Planning – Proposed Unified Development Ordinance Text Amendment UDO-13-02 First Reading & Set Public Hearing (Leslie Bell) pg. 116-120
 Staff recommends scheduling Public Hearing on Unified Development Ordinance Text Amendment UDO-13-02 for May 6, 2013 at 6:30 p.m.

2. Planning – Proposed Unified Development Ordinance Text Amendment UDO-13-03 First Reading & Set Public Hearing (Leslie Bell) pg. 121-137
 Staff recommends scheduling Public Hearing on Unified Development Ordinance Text Amendment UDO-13-03 for May 6, 2013 at 6:30 p.m.

3. Public Utilities – Proposed Wellhead Protection Plan (Jerry Pierce) pg. 138-148
 Staff recommends approving the Proposed Wellhead Protection Plan for Brunswick County and Authorize the Director of Public Utilities to Implement the Plan.

4. Finance – Proposed Agreement for Funding the Brunswick Connector (Ann Hardy) pg. 149-162
 Staff recommends approving an Appropriation for the Brunswick Connector in FY 2013-2014 Annual Budget and Decline Proposed Multi-Year Funding Agreement as Drafted.

5. EMS- 911 Expansion Stewart Cooper Newell Contract (Anthony Marzano) pg. 163-168
 Staff recommends approving Architectural and Engineering Services Proposal of Stewart Cooper Newell Architects for the Design of the Emergency Communications Center Expansion Project and the Associated Budget Amendment and Capital Project Ordinance.

6. Admin-Proposed State Highway Patrol Agreement (Marty Lawing) pg. 169-176
 Staff recommends approving Lease Agreement between the County of Brunswick and the State of North Carolina.

7. Administration-National County Government Week Proclamation (Marty Lawing) pg. 177-179
 Staff recommends approving Resolution Proclaiming April 2013 as National County Government Month.

8. Administration – Resolution of the Brunswick County Board of Commissioners Requesting the Return of Brunswick County to the Wilmington Metropolitan Statistical Area (Marty Lawing) pg. 180-184
 Staff recommends approving Resolution Requesting the Return of Brunswick County to the Wilmington Metropolitan Statistical Area.

IX. Board Appointments

1. **Marine Fisheries Board (District 2 appointment)** pg. 185
2. **Nursing Home & Adult Care Home Community Advisory Committee (At-Large appt.)** pg. 186

X. County Attorney's Report**XI. Other Business/Informal Discussion****XII. Adjournment**

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
AGENDA MEETING
MARCH 13, 2013
8:00 A.M.**

The Brunswick County Board of Commissioners held an Agenda Meeting on the above date at 8:00 a.m., Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner Phil Norris, Chairman
Commissioner Pat Sykes
Commissioner Frank Williams

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Bryan Batton, Assistant County Attorney
Debby Gore, Clerk to the Board
Ann Hardy, Fiscal Operations Director

I. CALL TO ORDER

Chairman Norris called the meeting to order at 8:01 a.m.

Staff discussed proposed items for the upcoming March 18, 2013 Regular Meeting with Board members.

Mr. Lawing discussed a request from WAVE Transit for additional funding and Commissioner Williams indicated that he would discuss with Town of Leland officials.

Mr. Lawing also discussed a request from Naber Dodge regarding a road (Naber Road) behind the business that is in disrepair. It was consensus for the Attorney to speak with Naber representatives and officials with the Town of Shallotte.
No action was taken.

II. ADJOURNMENT

Chairman Norris closed the meeting at 9:16 a.m.

Phil Norris, Chairman

Deborah (Debby) Gore, NCCCC
Clerk to the Board

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
MARCH 18, 2013
6:00 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:00 p.m., Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner Phil Norris, Chairman
Commissioner Pat Sykes
Commissioner Scott Phillips
Commissioner Frank Williams

ABSENT: Commissioner J. Marty Cooke, Vice-Chairman

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Bryan Batton, Assistant County Attorney
Debby Gore, Clerk to the Board
Ann Hardy, Fiscal Operations Director

I. CALL TO ORDER

Chairman Norris called the meeting to order at 6:00 p.m. Commissioner Phillips moved to enter Closed Session at 6:00 p.m. pursuant to NCGS 143-318.11 (a) (3) to consult with the Attorney to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action. The vote of approval was unanimous.

Chairman Norris called the Regular Session to order at 6:30 p.m. and the Attorney announced that no action was taken in Closed Session but direction was given that will be made public upon response from the opposing party.

(Attached to these Minutes is an item called Board Action containing all items on this agenda and those items are incorporated herein.)

II. INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Phillips gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Norris asked if there were any adjustments to the agenda. The following adjustments were made:

1. Commissioner Sykes requested to move Item V-H and V-J from the Consent Agenda to be presented under Administrative report as Item 1 (a) and VI-7.
2. Huey Marshall, County Attorney, requested to add an amendment to the Special Assessment Resolution #24, (Sunset Beach), a miniscule change to provide that the first year of the financing of the assessment for sewer would be interest free.

Commissioner Williams moved to approve the agenda as amended. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Norris asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. The following citizens addressed the Board:

1. Dan Lichty, addressed the Board discussing an item that is now under litigation. Mr. Marshall asked Mr. Lichty if he had communicated with his attorney and Mr. Lichty answered that his attorney did not want him to be here but he wanted to read his comments since this was the public comment section. Mr. Marshall indicated that the appropriate forum would be in a courtroom for this type of discussion and Mr. Lichty continued to read his comments.

V. APPROVAL OF CONSENT AGENDA

Commissioner Williams moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

A. Minutes

1. **January 29, 2013 Agenda Meeting Minutes**
2. **February 18, 2013 Regular Meeting Minutes**
3. **February 26, 2013 Agenda Meeting Minutes**
4. **March 4, 2013 Regular Meeting Minutes**

B. Tax

1. **Tax Releases for March 2013**
2. **November 2012 Motor Vehicle Valuation & Levy**
3. **February 2013 Tax Collection Report**

C. Finance

Grant Fund-Rural Center Inpatient Hospice Care Center Grant

Revenues:

RC-Inpatient Hospice Care Center	238176-332079	\$(8,000)
State Revenue Restricted		

Expenditures:

RC-Inpatient Hospice Care Center	238176-449995	\$(8,000)
Grant Expenditures		

The budget amendment above is to reduce the Rural Center Inpatient Hospice Care Center Grant in the amount of \$8,000. The grant was written for the creation of 10 full time jobs, however only 9 full time positions were created at the Inpatient Hospice Care Center and the Rural Center reimburses on a per job basis.

DSS Fund

Revenues:

Child Support Enforcement Incentives	145310-331028	\$(88,922)
--------------------------------------	---------------	------------

Expenditures:

Salary & Wages – Regular	145310-412100	\$(88,922)
--------------------------	---------------	------------

The budget amendment above is to reduce the federal child support enforcement incentives by \$88,922 to correspond with funding authorization received from DHHS reducing revenue to \$69,159 from the original budget projection of \$158,000.

Schools Capital Projects FundRevenues:

NC Education Lottery Funds	428006-332850	\$1,360,000
----------------------------	---------------	-------------

Expenditures:

NC Education Lottery Funds	428006-464103	\$1,360,000
----------------------------	---------------	-------------

The budget amendment above is to appropriate NC Education Lottery Funds approved by the State Board of Education for the Leland Middle School Metal Roof Retrofit. This project was previously approved by the Board of Commissioners and the Board of Education.

County of Brunswick, North Carolina
Brunswick County Schools Capital Project Fund

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Schools Capital Project Fund:

Schools Capital Project Fund:Revenues:

NC Education Lottery	\$6,071,142
Investment Earnings	\$9,907
Transfer from General Fund	\$7,259,157
Transfer from Special School Capital Reserve	\$3,628,226
Transfer from School Capital Reserve	\$13,832,255
Fund Balance Appropriated	<u>\$6,542,506</u>
Total Schools Capital Project Fund Revenues	\$37,343,193

Expenditures:

Excess Ad Valorem Funded Schools Projects	\$8,343,933
Local Option Sales Tax Funded School Projects	\$17,698,167
GF Hold Harmless Medicaid Swap Funded Projects	\$372,871
NC Education Lottery School Projects	\$6,071,142

Current Year Estimated Excess Ad Valorem Agreement Contingency	\$678,453
Ad Valorem Contingency	\$3,493,314
Sales Tax Contingency	\$371,300
Transfer to General Fund	<u>\$314,013</u>
Total Schools Capital Project Fund Expenditures	\$37,343,193

Section 2. The following amounts are hereby appropriated in the Brunswick County General Fund:

Contributions to the Capital Project Fund	\$7,259,157
---	--------------------

Section 3. It is estimated that the following revenues will be available in the Brunswick County General Fund:

Current Funds Appropriated	\$7,259,157
----------------------------	--------------------

Section 4. This Capital Project Ordinance shall be entered into the minutes of the March 18, 2013 meeting of the Brunswick County Board of Commissioners.

D. Child Fatality Prevention Team (CFPT) Annual Activity Summary Report for 2011 & 2012

Staff requests Receiving Child Fatality Protection Team Annual Activity Report for the Calendar Years of 2011 and 2012 as information.

E. Brunswick County Health and Human Services – Proposed State Consolidated Agreement for 2013-2014

Staff requests approving the State Consolidated Agreement between the State of North Carolina and Brunswick County Health and Human Services for FY 2013-2014.

F. EMS – Proposed Hazardous Materials Emergency Planning (HEMP) Grant Agreement

Staff requests approving the Hazardous Materials Emergency Planning (HEMP) Grant Agreement between Brunswick County and the North Carolina Department of Public Safety and the Associated FY 2012-2013 Budget Amendment.

G. EMS – Proposed Supplemental Emergency Management Performance Grant (EMPG) Memorandum of Agreement Amendment for Brunswick County

Staff requests approving Supplemental Emergency Management Performance Grant Memorandum of Agreement and the Associated Budget Amendment.

H. Planning – Proposed Re-Allocation of funding to replace existing single-wide mobile home located at 927 J-N-E-Lane, Shallotte with a donated stick-built home.

(Moved to Administrative Report as Item 1(a) under Adjustments to the Agenda)

Staff requests Reallocation of \$19,874 and an additional application of \$21,589 from unallocated CDBG Administrative funds to replace home at 927 J-N-E Lane in Shallotte.

I. Administration – Cape Fear Regional Jetport request to advance funds for construction of an Aircraft Storage Building.

Staff requests to approve the Use of Previously Appropriated Funds for the Construction of a 100' x 100' Aircraft Storage Building.

J. Parks & Recreation – Eastern Environmental Inc. Service Agreement
(Moved to Administrative Report as Item VI-7 under Adjustments to the Agenda)
 Staff requests approving the service agreement with Eastern Environmental, Inc.

K. Resolution for Amending the Sunset Beach SAD #24
(Added under Adjustments to the Agenda)

**RESOLUTION FOR AMENDING THE SUNSET BEACH
 AREA SPECIAL SEWER ASSESSMENT RESOLUTION
 (SPECIAL ASSESSMENT # 24)**

The Brunswick County Board of Commissioners in regular session, duly assembled on March 18, 2013, do hereby resolve as follows:

1. That the assessment resolution enacted pursuant to the provisions of North Carolina General Statute 153A-185, *et seq.* on February 18, 2013, except as amended herein, is still in full force and effect.

2. That the Brunswick County Board of Commissioners has directed its staff to amend the seventh (7th) paragraph of that Resolution as follows, to wit:

“7. The proposed terms of payment shall be payment in full thirty (30) days following the date of the publication of notice of the confirmation of the assessment roll, and if such payment is received in full, the total amount due will be reduced by five percent (5%). If such payment in full (in its entirety) is received within three hundred sixty five (365) days, then no interest will be charged. If such payment in full (in its entirety) is not received within three hundred sixty five (365) days, then the balance due shall be divided into ten (10) annual installments, each installment bearing with simple interest accruing from July 1, 2013, at the annual rate of 0.0391/hundredths (3.91 % interest) for the next successive ten (10) years, with each annual installment due on or about July 1 of each successive year until the assessment is paid in full. Any annual installment not paid by June 30 of each successive year is considered delinquent and any and all delinquent balances will be collected by all lawful means.”

3. A public hearing on this matter is set for April 8, 2013, at 5:30 p.m. in the Odell Williamson Auditorium on the campus of Brunswick Community College, 50 College Road, NE, near Supply, North Carolina. Said hearing is unaffected by this amendment.

This the 18th day of March, 2013.

BRUNSWICK COUNTY BOARD OF COMMISSIONERS

s/Phil Norris, Chairman

ATTEST:

s/Deborah S. (Debby) Gore, NCCCC
 Clerk to the Board

VI. ADMINISTRATIVE REPORT

1. Planning – Board of Commissioners guidance regarding Planning Board Public Hearings, Mailed Notifications, and Newspaper Notifications (Leslie Bell)

Leslie Bell, Planning Director, explained that the Brunswick County Planning Board has expressed interest in inquiring if the Board of County Commissioners would like to continue the current practice of holding Public Hearings for rezoning and text amendments at the Planning Board level and prior to a recommendation to the Board of County Commissioners. Currently, NCGS 153A-344 requires that subsequent to initial adoption of the County's Unified Development Ordinance (UDO), all proposed amendments to either the UDO or zoning map shall be submitted to the Planning Board for review and comment *only*. Currently, the UDO requires a Planning Board Public Hearing. Both text amendments and rezoning are published once per week for two successive calendar weeks, with notice published the first time not less than ten (10) days nor more than twenty-five (25) days before the Public Hearing (special notification procedures are in place for military bases, where applicable). Advertising for rezoning provides notice but adds cost.

NCGS 153A-343 provides for the Board of Commissioners that whenever there is a zoning map amendment (e.g., rezoning) that the owner and adjacent property owners as shown on the county tax listing be notified via US mail, first class (except for a county-initiated zoning map amendment), at least ten (10) days but not more than twenty-five (25) days prior to the date of the Board of Commissioners' Public Hearing. However, when the map amendment directly affects more than fifty (50) properties owned by at least fifty (50) different property owners, the county may elect to notify property owners who reside in the general circulation area of a newspaper(s) by publishing a ½ page advertisement (minimum size) once a week for two (2) successive weeks, with first advertisement published not less than ten (10) days nor more than 25 days before the date of the Public Hearing. As customary, both the State Port Pilot and Brunswick Beacon are considered newspapers with a general circulation area of Brunswick County. Those property owners outside the general circulation area must be notified via first class US mail. The property(ies) subject to the rezoning also must be posted with a notice of the Public Hearing.

The Planning Board has continued the practice holding a Public Hearing since the adoption of zoning in 1994, notification via 1st class US mail while also advertising in the newspaper and typically not utilizing the alternative of ½ page advertisements, when this provision could be applied. The Board of Commissioners in 2007 opted for the alternative ½ page advertisement for those property owners residing in Brunswick County, when adopting the UDO. First class US mail provides notice and adds cost, while the ½ page advertisement may cost relatively less and does not require as much staff time to prepare.

At question is the following:

1. Is it the desire of the Board of Commissioners to have the Planning Board continue with current practice of holding Public Hearings (using NCGS statutes for Board of Commissioners' notification procedures) for both map and text amendments?

2. If so and in instances where the alternative published notification can be utilized, is it the Board of Commissioners' desire for the Planning Board to use this method instead of the 1st class US mailed notice, as notification of the Planning Board's Public Hearing?

If not, and in instances where the alternative published notification can be utilized, is it the Board of Commissioners' desire for the Board of Commissioners to use this alternative method instead of the 1st class US mailed notice?

After a short discussion Commissioner Williams moved to continue the process as currently administered. The vote of approval was unanimous.

1. (a) (Moved from Consent Agenda under Adjustments to the Agenda)

Planning – Proposed Re-Allocation of funding to replace existing single-wide mobile home located at 927 J-N-E-Lane, Shallotte with a donated stick-built home

Staff requests Reallocation of \$19,874 and an additional application of \$21,589 from unallocated CDBG Administrative funds to replace home at 927 J-N-E Lane in Shallotte.

Leslie Bell, Planning Director, requested Board approval in re-allocating the remaining balance (\$19,874) of \$20,699 approved by the Board of Commissioners on 07-May-12 and an additional \$21,589 to replace the existing single-wide mobile home located at 927 J-N-E Lane, Shallotte with a donated stick-built home.

Mr. and Mrs. Elbert Johnson was a 2009 Urgent Repair grant client whose 1980 single-wide mobile home received housing rehabilitation in the form of five windows, partially new siding and roof repair. The NC Housing Finance Agency Urgent Repair Grant offers specific housing repairs for life and health-threatening concerns to "special needs" homeowners who fall within established income limits. Due to poor workmanship based on the severity of the rehabilitation needed, the roof and windows have leaked, causing extensive damage and mold infestation inside the home. In 2009 and although \$20,699 was requested and approved by the Board of Commissioners to perform much more substantial work based on the lowest responsive bid submitted, it became clear that exploring the possibility of a replacement home seemed feasible based on the cost of additional repair, age of single-wide mobile home and Mrs. Johnson's physical disability as a single-limb amputee. Additionally (and although), Mr. and Mrs. Johnson are on the Planning and Community Department's Community Development Block Grant Scattered Site home replacement list, funding for this grant program during the last cycle has been reduced substantially by approximately fifty percent (50%) with a waiting list of seventeen (17) clients.

During the latter part of 2012 and following an extensive search by staff for alternative housing options for the Johnsons, the owner of the home located at 10164 Beach Drive SW in Calabash, NC indicated that she desired to donate her home to a family if re-locating costs were paid. The home has been inspected by the Johnson's, Department staff, a contractor, and the Brunswick County Chief Building Inspector and found to be in good condition. The existing single-wide mobile home currently owned by the Johnson's will be demolished while the stick-built home being donated will be relocated to 927 J-N-E Lane, Shallotte, NC, retrofitted and completed for move in by the Johnsons (estimated time frame is approximately 30 days). Vocational Rehabilitation of Wilmington, NC will be working with the clients and the Planning and Community Development Department to try to provide bathroom rehabilitation, as needed, at no cost to Brunswick County.

All funds being requested (estimated budget and bids/quotes attached) are from unallocated administrative closed grant funds (104907-439911) and follow the existing policy of reinvesting these funds due to good stewardship and budgeting back into the program to assist local citizens with housing needs and emergency housing repair. Request also includes twenty percent (20%) contingency.

Commissioner Sykes questioned if these grants allow a first mortgage and asked how funds were allocated indicating the possibility of \$20,000 being spent on one home and later on, the family could sell the house and make a profit.

Mr. Bell discussed the grant process and requirements with the Board.

Commissioner Phillips moved to approve the request to reallocate \$19,874 and an additional application of \$21,589 from unallocated CDBG Administrative funds to replace home at 927 J-N-E Lane in Shallotte with the stipulation to place a lien on the property for the customary period of time required with other grants. The vote of approval was unanimous.

2. Engineering – Proposed Change Order #1 to the Contract with McArthur Construction (Brigit Flora)

Staff recommends approving Change Order No. 1 to the Contract of McArthur Construction for the Old Shallotte Road Waterline Project to add the Green Bay Road Interconnect and the associated budget amendment and capital project amendment.

Brigit Flora, Stormwater Engineer, requested approval of Change Order #1 on the Old Shallotte Road Waterline construction contract with McArthur Construction for construction of the Green Bay Road Interconnect. Change Order #1 will add \$329,553.28 to the original contract of \$833,449.17 for a total contract amount of \$1,163,002.45.

Ms. Flora explained that the Green Bay Road Interconnect includes the addition of approximately 6,550 linear feet of 12" waterline on Green Bay Road. The Green Bay Road Interconnect provides the necessary connection from Old Shallotte Road which is currently under construction to the existing system on US 17.

This interconnect was required due to a change in the original Old Shallotte Road design which had the waterline on Old Shallotte Road connecting into the existing system at NC 904. Due to the inability to gain an easement at this junction, the original design had to be abandoned between Green Bay Road and NC 904. In order to provide the necessary loop in the system the Green Bay Road Interconnect was designed and permitted.

The unit prices from McArthur Construction's Old Shallotte Road low bid were used to determine the amount of the change order. The net change in the contract amount is \$329,553.28. County Staff recommends approval of Change Order #1 and authorize the Chairman to execute the change order.

Water Capital Reserve Fund

Revenues:

Transfer from Water Fund	419800-398661	\$(300,000)
--------------------------	---------------	-------------

Expenditures:

Undesignated Funds	419800-464299	\$60,000
Old Shallotte, Green Bay	419800-464406	\$(360,000)

Water Capital Projects Fund

Revenues:

Transfer from Water Reserve	418261-398661	\$300,000
-----------------------------	---------------	-----------

Expenditures:

Eng/Arch/Legal	418261-464001	\$(40,000)
----------------	---------------	------------

Construction 418261-464002 \$340,000

The budget amendment above is to transfer \$300,000 of reserve funds designated for Old Shallotte/Green Bay Waterline to the Old Shallotte/Green Bay capital project for award of the proposed construction contract. Reserve funds of \$60,000 originally designated for the project are transferred to the undesignated reserve and may be appropriated by the commissioners in the future.

**County of Brunswick, North Carolina
Brunswick County Water Capital Project Fund**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Water Capital Project Fund:

Water Capital Project Fund:

Revenues:

Transfer from Water Fund	<u>\$1,316,295</u>
Total Water Capital Project Fund Revenues	\$1,316,295

Expenditures:

Arch/Eng/Legal	\$136,295
Construction	<u>\$1,180,00</u>
Total Water Capital Project Fund Expenditures	\$1,316,295

Section 2. The following amounts are hereby appropriated in the Brunswick County Water Fund:
Contributions to the Capital Project Fund **\$1,316,295**

Section 3. It is estimated that the following revenues will be available in the Brunswick County Water Fund:

Current Funds Appropriated	\$1,316,295
----------------------------	--------------------

Section 4. This Capital Project Ordinance shall be entered into the minutes of the March 18, 2013 meeting of the Brunswick County Board of Commissioners.

Chairman Norris moved to approve Change Order No. 1 to the contract of McArthur Construction and the associated budget amendment and capital project ordinance. The vote of approval was unanimous.

3. Public Utilities – Proposed Contract Amendment #1 with HDR Engineering, Inc. of the Carolinas in the amount of \$106,200 (Jerry Pierce)

Staff recommends approving Contract Amendment No. 1 with HDR Engineering, Inc. of the Carolinas.

Jerry Pierce, Utility Operations Director, requested approval of Contract Amendment No. 1 with HDR Engineering, Inc. of the Carolinas in the amount of \$106,200 for the design and construction administration services associated with the pump station and force main improvements needed to divert wastewater from the Ocean Ridge Wastewater Treatment Plant to

the Ocean Isle Beach Wastewater Treatment Plant and authorize the Chairman to execute the contract for the county.

Mr. Pierce explained that with acquisition of the Ocean Isle Beach Wastewater Treatment Plant, the county can divert the wastewater that is now treated at the Ocean Ridge Wastewater Treatment Plant to the Ocean Isle Beach Wastewater Treatment Plant. This would allow the county to take the Ocean Ridge Wastewater Treatment Plant out of service and ultimately turn it back over to the former owner or remove the plant.

The proposed contract includes the design of a 12" sewer force main from the existing Castlebrook Sewer Pump Station to the Ocean Isle Beach Wastewater Treatment Plant and the upgrading of the Castlebrook Sewer Pump Station so the pump station can achieve the minimum velocity in the 12" sewer force main. The contract amendment also includes construction administrative services and limited construction inspection. The primary construction inspection will be performed by county staff. Total cost of the contract including design, permitting, survey, construction administration, and inspection is \$106,200.

Commissioner Phillips moved to approve Contract Amendment No. 1 with HDR Engineering, Inc. of the Carolinas in the amount of \$106,200. The vote of approval was unanimous.

4. Finance – February 2013 Financial Report (Ann Hardy)

Staff recommends Receive Financial Report for February 2013 as information.

General Fund

Presented on the Brunswick County Government website is a schedule of revenues and expenditures-budget and actual for the General Fund for the period ended 2/28/13 on the cash basis with comparative actual amounts for the period ended 2/29/12.

Total revenues for the General Fund at 2/28/13 are \$133.7 million compared to \$129.1 million at 2/29/12 for an increase of \$4.6 million or 3.6%. Total revenues collected are 88% of the amended budget for the fiscal year.

Total expenditures for the General Fund at 2/28/13 are \$92.6 million compared to \$92.1 million at 2/29/12 for an increase of \$0.5 million or 0.5%. Total expenditures are 59.9% of the budget for the fiscal year.

Fiscal year-to-date revenues are greater than total expenditures by \$41.2 million compared to \$37.0 million in the prior year for a net \$4.2 million or 11.2% improvement.

Transfers into the general fund at 2/28/13 are \$0.8 million compared to transfers out to other funds of \$0.4 million at 2/29/12 for a net improvement of \$1.2 million.

Revenues and net transfers are greater than expenditures at 2/28/13 are \$41.9 million compared to \$36.8 million at 2/29/12 for a net improvement of revenues and transfers greater than expenditures of \$5.1 million or 14%.

Water Fund

Presented on the Brunswick County Government website is a schedule of revenues and expenditures-budget and actual and changes in fund balance for the Water Fund for the period ended 2/28/13 on the cash basis with comparative actual amounts for the period ended 2/29/12.

Total revenues for the Water Fund at 2/28/13 are \$14.4 million compared to \$14.4 million at 2/29/12 for no change. Total revenues are 72% of the budget for the fiscal year.

Total expenditures for the Water Fund at 2/28/13 are \$10.1 million compared to \$14.2 million at 2/29/12 for a decrease of \$4.1 million or 28.8% due to the refunding of the USDA loan on the Boiling Spring Lakes water system. Expenditures are 54% of the budget for the fiscal year.

Total fiscal year-to-date revenues are greater than total expenditures by \$4.3 million as compared to \$0.2 million in the prior year for a net improvement of \$4.1 million mainly due to the USDA refinancing. Net transfers to other funds are \$3.6 million as of 2/28/13 compared to \$0.6 million at 2/29/12.

Revenues and net transfers are greater than expenditures at 2/28/13 are \$0.7 million compared to \$0.8 million at 2/29/12 for a little change from the prior year.

Wastewater Fund

Presented on the Brunswick County Government website is a schedule of revenues and expenditures-budget and actual for the Wastewater Fund for the period ended 2/28/13 on the cash basis with comparative actual amounts for the period ended 2/29/12.

Total revenues for the Wastewater Fund at 2/28/13 are \$10.8 million compared to \$9.4 million at 2/29/12 for an increase of \$1.3 million or 14.3%. Total revenues are currently 53% of the budget for the fiscal year.

Total expenditures for the Wastewater Fund at 2/28/13 are \$7.7 million compared to \$7.5 million for an increase of \$0.2 million or 2.8%. Total expenditures are currently 36% of the budget for the fiscal year.

Revenues are greater than expenditures at 2/28/13 by \$3.1 million compared to \$2.0 million at 2/29/13 for an increase of \$1.1 million or 58%. The improvement is mainly due to collection of assessments. Net transfers in were \$1.2 million at 2/28/13 compared to net transfers out of \$2.4 million at 2/29/12.

Key Indicators of Revenues and Expenditures

Presented on the Brunswick County Government website are charts with actual history, current month actual amounts and annual budget information for major revenues and expenditures in both the enterprise and general funds.

Cash and Investments

A Summary of Cash and Investments is presented on the Brunswick County Government website as of 2/28/13 reports that the County had \$172.2 million of unrestricted cash and investments in all funds including those accruing for outside agencies that the county performs collections plus \$17.5 million of capital project restricted cash from debt proceeds. All cash and investments are earning an average yield of 0.15%.

The various unaudited financial reports were received as information and no action was taken.

5. Administration – Proposed Resolution approving the Memorandum of Understanding and Authorizing Brunswick County's Participation in the Grand Strand Area Transportation Study Metropolitan Planning Organization (Marty Lawing)

Marty Lawing, County Manager, requested approval of a Resolution Approving the Memorandum of Understanding for Cooperative, Comprehensive and Continuing Transportation Planning Between the Town of Calabash, Town of Carolina Shores, Town of Holden Beach, Town of Ocean Isle Beach, Town of Shallotte, Town of Sunset Beach, Town of Varnamtown, County of Brunswick, the Grand Strand Area Transportation Study, The Waccamaw Regional Council of Governments, the South Carolina Department of Transportation, and the North Carolina Department of Transportation in Cooperation with the United States Department of Transportation.

As the result of the 2010 Decennial Census, the United States Census Bureau expanded its Myrtle Beach - Socastee urban area to include coastal portions of North and South Carolina. The Grand Strand Area Transportation Study (GSATS) has been the Metropolitan Planning Organization (MPO) for the Myrtle Beach area since 1992. The Waccamaw Regional Council for Governments, headquartered in Georgetown, South Carolina serves as the administrative support agency for GSATS. The purpose of the MPO is to provide comprehensive, cooperative and continuing transportation planning in urbanized areas.

In the summer of 2012 representative from the Waccamaw Regional Council of Governments and NCDOT coordinated a series of meetings with county and municipal officials from the southeastern and southwestern areas of Brunswick County to assess the level of interest from each jurisdiction in membership the GSATS MPO. The local governments in Brunswick County that have agreed to be participants in the GSATS MPO include the Town of Calabash, Town of Carolina Shores, Town of Holden Beach, Town of Ocean Isle Beach, Town of Shallotte, Town of Sunset Beach, Town of Varnamtown and Brunswick County. The addition of these municipalities and the associated unincorporated areas linking them provide a logical area to be added to the GSATS MPO for transportation planning purposes. The planning area may be periodically assessed and revised in the future.

The goals of the GSATS Policy Committee are to:

1. Expand its Planning Area to incorporate newly designated Urbanized Area as deemed appropriate by the NCDOT, SCDOT, FHWA and participating North Carolina Communities.
2. Foster a process that provides for local review and consideration of projects and plans while ensuring a decision making process that considers regional implications, and
3. To expand its membership to provide representation for North Carolina Communities that desire to participate in the GSATS MPO.

The GSATS MPO consists of three committees, a Policy Committee, Transportation Advisory Committee and the Technical Coordinating Committee. The Policy Committee shall consist of twenty four (24) voting members, twenty (20) representing the South Carolina portion of the Planning Area and four (4) representing the North Carolina portion of the Planning Area. Two of these members shall be appointed by the GSATS-North Carolina Transportation Advisory Committee from its membership and the Brunswick County Board of Commissioners shall appoint one (1) member from its board and the North Carolina Department of Transportation shall appoint one (1) member from the North Carolina Board of Transportation. The duties of the GSATS Policy Committee include; development, review and approval of the Transportation Improvement Program (TIP) and the Metropolitan Transportation Plan (MTP), review and approve the Congestion Management Process, establish goals and objectives for the transportation planning process that consider and are responsive to comprehensive plans for growth and development in the MPO Planning Area, keep local government boards informed of the status and requirements of the transportation planning process, review and recommend changes to the Federal-Aid Functional Classification System and the MPO's Metropolitan

022

Planning Area Boundary and review and approve related air quality planning in conformance with federal regulations if the Planning Area becomes non-attainment for air quality. The GSATS Policy Committee bylaws shall be amended as soon as practicable to reflect the changes necessary to due to the addition of the North Carolina portion of the Planning Area.

The GSATS-North Carolina Transportation Advisory Committee will consist of fourteen (14) voting members including two (2) from Brunswick County, two (2) from the Town of Shallotte, one (1) from the other municipal members, one (1) from the Brunswick Transit System one (1) from the NCDOT, one (1) from the North Carolina House of Representatives (District 17) and one (1) from the North Carolina Senate (District 8). The duties and responsibilities of the TAC include: to keep boards of general purpose local government informed of the status and requirements of the transportation planning process, review and recommend for approval to the GSATS Policy Committee the Transportation Improvement Program, Metropolitan Transportation Plan, Federal-Aid Urban System and Urbanized Boundary, Metropolitan Planning Boundary and other matters referred to it by the GSATS Policy Committee affecting the North Carolina portion of the Planning Area.

The GSATS-North Carolina Technical Coordinating Committee shall include technical representation from all local, state, and federal agencies and shall consist of fourteen (14) members, including one (1) from the county and each of the member municipalities, the Brunswick Transit System, the Cape Fear COG, and one (1) member from the Federal Highway Administration, NCDOT (Division 3), NCDOT (Planning Branch) and the Waccamaw Regional Council of Governments. The duties and responsibilities of the Technical Coordinating Committee include: general review, guidance and coordination of the transportation planning process for the planning area, recommendation for approval of the Comprehensive Transportation Plan, Prospectus, Transportation Improvement Program, Metropolitan Transportation Plan, Federal-Aid Urban System and Urbanized Boundary and other matters referred to it by the GSATS Advisory Committee or Policy Committee, and promoting citizen participation and preparing and reviewing reports for transportation studies.

The Waccamaw Regional Council of Governments will serve as the lead planning agency and provide administrative coordination for the Policy Committee, Transportation Advisory Committee and the Technical Coordinating Committee.

This Memorandum of Understanding does not address local funding or matches to federal and state grants. The participation by any subscribing agency may be terminated by giving sixty days written notice to the other parties prior to the date of termination.

**RESOLUTION PASSED BY THE BOARD OF COMMISSIONERS OF THE
COUNTY OF BRUNSWICK, NORTH CAROLINA**

WHEREAS, it is recognized that the proper movement of travel within and through the Myrtle Beach-Socastee SC/NC urbanized area is a highly desirable element of a comprehensive plan for the orderly growth and development of the area, and;

WHEREAS, there are a number of governmental jurisdictions within the Myrtle Beach-Socastee SC/NC urbanized area which have been authorized with implementation and regulatory responsibilities for transportation by North Carolina General Statutes, and;

WHEREAS, it is desirable that coordinated, comprehensive and cooperative transportation planning processes be maintained in the Myrtle Beach-Socastee SC/NC urbanized area to ensure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety and welfare, and;

003

WHEREAS, a Memorandum of Understanding between the Town of Calabash, Town of Carolina Shores, Town of Holden Beach, Town of Ocean Isle Beach, Town of Shallotte, Town of Sunset Beach, Town of Varnamtown, County of Brunswick, the Grand Strand Area Transportation Study, the Waccamaw Regional Council of Governments, the South Carolina Department of Transportation, and the North Carolina Department of Transportation in cooperation with the United States Department of Transportation has been prepared that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive and cooperative transportation planning process, and;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF BRUNSWICK, NORTH CAROLINA:

That the Memorandum of Understanding between the Town of Calabash, Town of Carolina Shores, Town of Holden Beach, Town of Ocean Isle Beach, Town of Shallotte, Town of Sunset Beach, Town of Varnamtown, County of Brunswick, the Grand Strand Area Transportation Study, the Waccamaw Regional Council of Governments, the South Carolina Department of Transportation, and the North Carolina Department of Transportation in cooperation with the United States Department of Transportation, be approved and that the Chairman and County Clerk are hereby directed to execute the Memorandum of Understanding.

This the 18th day of March, 2013.

s/Phil Norris, Chairman
Brunswick County Commissioners
Attest:
s/Deborah S. (Debby) Gore, NCCCC
Clerk to the Board

Chairman Norris moved to approve the Resolution. The vote of approval was unanimous.

6. Technology Study Update (Steve Randone)

Steve Randone, MIS/GIS Director, presented the Information Technology Strategic Plan 2013-2018. Mr. Randone stressed that this is a living document to be continually reviewed and changed due to changes in technology, missions and updates, budget restraints, project delays and/or early completions.

The intent of the study is to provide directional focus necessary to align the Information Technology Department with the Commissioners Goals and Objectives and will continue throughout the year with the assistance of the I.T.S.C. (Information Technology Steering Committee). Mr. Randone presented and discussed computer comparisons, current MIS projects, the need for additional staffing and building facilities, scanning and imaging and policies.

The Board recognized the efforts of IT staff in preparing the document informing that all aspects of the presentation will be taken into consideration in the budget process.

**7. Parks & Recreation – Eastern Environmental Inc. Service Agreement (Jim Pryor)
(Moved from Consent Agenda under Adjustments to the Agenda)**

Staff requests approving the service agreement with Eastern Environmental, Inc.

Steve Stone, Assistant County Manager and Jim Pryor, Parks and Recreation Director, explained that environmental assessment was performed at Cedar Grove Park field house to determine mold spore levels within the conditioned spaces due to evidence of mold growth. An executive summary was provided for review in the packet. During the assessment, air and surface samples were collected for testing. Conclusions generated from the assessment were that floor and ceiling tiles in the restrooms and concession areas have mold growth. The indoor mold growth has resulted in excessive levels within the ambient air. The growth identified is considered to be a strong allergen and areas impacted should not be used until proper remediation is done to restore

acceptable environmental conditions. Removal of water and/or mold damaged material should be performed by a qualified remediation professional. Further corrective measures should be taken to further impede growth. Proposals were received for remediation, based on the findings outlined in the assessment.

Staff recommends the proposal provided by Eastern Environmental, Inc. (EEI), for \$19,487.00 with an alternate plan in place for removing and disposing of wall board or sheetrock where needed, that was not exposed during the initial assessment for \$2,500. The county has worked with EEI on projects of this type in the past successfully, where minimal disruption to park activities and employees were achieved.

Adequate unencumbered funds exist in the operation services budget to fund the recommended proposal. A budget transfer is recommended to be made from repair and maintenance equipment 104280-435200 to repair and maintenance building 104280-435100 in the amount of \$22,000.

Staff recommends approval to enter into a service agreement with Eastern Environmental, Inc. for mold remediation at Cedar Grove field house and approve the necessary budget transfer.

Commissioner Sykes voiced concerns regarding the cost of mold remediation with no guarantee, the fact that this is a \$300,000 building not even three years old and that an engineering study did not identify humidity control matters.

Other discussion involved the need for an internal review of plans to ensure that there will not be any potential problems with this type of project.

Commissioner Phillips thanked staff for addressing water issues that contribute to mold and moved to approve the Service Agreement with Eastern Environmental, Inc. The vote of approval was unanimous.

VII. BOARD APPOINTMENTS

1. Economic Development Commission (District 4 appointment)

Commissioner Phillips nominated Donald Ray Long. Chairman Norris moved to close the nominations. The vote of approval was unanimous. Commissioner Phillips moved to approve the appointment of Mr. Long. The vote of approval was unanimous. Donald Ray Long was reappointed to serve another three-year term that will expire on March 1, 2016.

2. Equalization & Review (District 2, & District 4 appointment)

Commissioner Williams nominated Grace Beasley and Chairman Norris nominated Bertha Bell. Chairman Norris moved to close the nominations. The vote of approval was unanimous. Chairman Norris moved to approve the appointments of Ms. Beasley and Ms. Bell. The vote of approval was unanimous. Grace Beasley and Bertha Bell were reappointed to serve another two-year term that will expire on April 1, 2015.

3. Marine Fisheries Advisory Board (District 3 appointment)

Commissioner Sykes nominated Jerry Dilsaver. Chairman Norris moved to close the nominations. The vote of approval was unanimous. Chairman Norris moved to approve the appointment of Mr. Dilsaver. The vote of approval was unanimous.

Jerry Dilsaver will fill the expired two-year term of Marvin Martin that will expire on February 1, 2015.

VIII. COUNTY ATTORNEY'S REPORT

There were no items to discuss.

IX. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

X. ADJOURNMENT

Commissioner Phillips moved to adjourn the Regular Meeting at 8:33 p.m. The vote of approval was unanimous.

Phil Norris, Chairman

Deborah (Debby) Gore, NCCCC
Clerk to the Board



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

026

TO: Marty K. Lawing, County Manager

ACTION ITEM #: V-C

FROM: Ann B. Hardy

MEETING DATE: April 1, 2013

Ext. # 2060

DATE SUBMITTED: March 22, 2013

ISSUE/ACTION REQUESTED:

PUBLIC HEARING: ☐ YES ☐ NO

Fiscal Items for Approval

BACKGROUND/PURPOSE OF REQUEST:

Budget Amendments, Capital Project Ordinances and Fiscal Items of a routine nature are presented on the consent agenda for approval.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:

☒ YES ☐ NO

CAPITAL PROJECT/GRANT ORDINANCE REQUIRED:

☒ YES ☐ NO

PRE-AUDIT CERTIFICATION REQUIRED:

☐ YES ☒ NO

REVIEWED BY DIRECTOR OF FISCAL OPERATIONS

☒ YES ☐ NO

Application Public School Building Capital Fund ADM (Corporate Tax) Fund

Attached is an application for the school system to use the remaining balance of \$3,018.61 held by the State in the Public School Building Capital Fund ADM (Corporate Tax) Fund for technology projects as outlined in the local schools technology plan for Brunswick County Schools: Twenty First Century. The request was made by Freyja Cahill, Finance Officer of Brunswick County Schools. There is concern that the funds may be taken from the State if they are not requested and drawn. Ms. Cahill will request the Board of Education to approve the application at their next scheduled meeting.

General Fund-Sheriff's Office

Revenues:

Concealed Weapons Permits	104310-334810	\$30,761
Miscellaneous Revenue – DARE Camp	104310-383306	\$5,607

Expenditures:

Concealed Weapons Permits	104310-466500	\$30,761
Special Program Materials- DARE Camp	104310-423109	\$5,607

The Sheriff requests the budget amendment above to appropriate DARE Camp Revenue for use in the camps that begin next month and to appropriate Concealed Weapons Permits Fees for required State remittances associated with the weapons permits. There is a 50% fee for each permit that must be paid to the State.

Wastewater-Debt Service**Revenues:**

NEWWTP- Navassa Debt Reimbursement	629100-383296	\$(24,035)
NEWWTP- Leland Debt Reimbursement	629100-383297	\$(164,111)
NEWWTP- Northwest Debt Reimbursement	629100-383298	\$(27,695)
NEWWTP-H2GO Debt Reimbursement	629100-383299	\$(97,371)

Expenditures:

Principal-2012c Enterprise	629100-471061	\$(281,081)
Principal-2012C Interest	629100-472061	\$(72,819)
Principal-2012B Interest	629100-472060	\$3,522
Contingency	629100-499100	\$37,166

The budget amendment above is to reduce wastewater debt service revenue from participants, debt service payments to bond holders and place the excess in a contingency account in the sewer fund. The reduction is due to financings completed after the FY 13 budget that resulted in savings to the county and participants.

Airports Capital Projects Fund**Revenues:**

36237.45.10.4 Grant Revenue	438157-332099	\$2,359
-----------------------------	---------------	---------

Expenditures:

36237.45.10.4 Grant Expenditures	438157-449809	\$2,359
----------------------------------	---------------	---------

The budget amendment above is to appropriate additional federal grant funding for the Cape Fear Regional Airport Land Acquisition Project. The funds will be used to reimburse the county for project funds advanced.

**County of Brunswick, North Carolina
Brunswick County Airport Capital Project Fund**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Capital Project Fund:

Airport Capital Project Fund:**Revenues:**

36237.45.13.2	\$3,975,000
36244.58.4.1	\$62,000

36237.45.10.2	\$513,265
36237.45.10.3	\$409,235
36237.45.10.1	\$150,000
36244.58.5.1	\$2,701,000
36237.45.11.1	\$288,721
36244.58.6.1	\$3,000,000
36237.45.10.4	\$172,359
36237.45.13.1	\$224,887
36244.58.7.1	\$85,000
Transfer from County Capital Reserve	<u>\$2,216,459</u>
Total Airport Capital Project Fund Revenues	\$13,797,926

Expenditures:

36237.45.13.2	\$3,975,000
36244.58.4.1	\$62,000
36237.45.10.2	\$618,720
36237.45.10.3	\$409,235
36237.45.10.1	\$150,000
36244.58.5.1	\$2,763,964
36237.45.11.1	\$288,721
36244.58.6.1	\$3,000,000
36237.45.10.4	\$172,359
36237.45.13.1	\$224,887
36244.58.7.1	\$85,000
Miscellaneous Expense	\$219,855
Land	<u>\$1,828,185</u>
Total Airport Capital Project Fund Expenditures	\$13,797,926

Section 2. This Capital Project Ordinance shall be entered into the minutes of the April 1, 2013 meeting of the Brunswick County Board of Commissioners.

Airports Capital Projects Fund

Revenues:

Transfer from General Fund	438157-398110	\$(439,354)
----------------------------	---------------	-------------

Expenditures:

Miscellaneous Expense	438157-449900	\$(123,041)
-----------------------	---------------	-------------

Land	438157-464011	\$(316,313)
------	---------------	-------------

County Capital Reserve Fund

Revenues:

Transfer from General Fund	439801-398110	\$439,354
----------------------------	---------------	-----------

Expenditures:

Airport Certification Designated	439801-464254	\$(100,000)
----------------------------------	---------------	-------------

Undesignated Funds	439801-464299	\$539,354
--------------------	---------------	-----------

The budget amendment above is to transfer \$539,354 of funds designated for the airport that are not anticipated to be needed for the airport to the County Capital Reserve Undesignated Reserve Funds for future appropriation at the discretion of the Board of Commissioners. This action will retain the \$300,000 approved for the airport at the March 18, 2013 commissioner meeting.

**County of Brunswick, North Carolina
Brunswick County Airport Capital Project Fund**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Capital Project Fund:

Airport Capital Project Fund:

Revenues:

36237.45.13.2	\$3,975,000
36244.58.4.1	\$62,000
36237.45.10.2	\$513,265
36237.45.10.3	\$409,235
36237.45.10.1	\$150,000
36244.58.5.1	\$2,701,000
36237.45.11.1	\$288,721
36244.58.6.1	\$3,000,000
36237.45.10.4	\$172,359
36237.45.13.1	\$224,887
36244.58.7.1	\$85,000
Transfer from County Capital Reserve	<u>\$1,777,105</u>
Total Airport Capital Project Fund Revenues	\$13,358,572

Expenditures:

36237.45.13.2	\$3,975,000
36244.58.4.1	\$62,000

36237.45.10.2	\$618,720
36237.45.10.3	\$409,235
36237.45.10.1	\$150,000
36244.58.5.1	\$2,763,964
36237.45.11.1	\$288,721
36244.58.6.1	\$3,000,000
36237.45.10.4	\$172,359
36237.45.13.1	\$224,887
36244.58.7.1	\$85,000
Miscellaneous Expense	\$96,814
Land	<u>\$1,511,872</u>
Total Airport Capital Project Fund Expenditures	\$13,358,572

Section 2. This Capital Project Ordinance shall be entered into the minutes of the April 1, 2013 meeting of the Brunswick County Board of Commissioners.

CONTRACTS/AGREEMENTS:

REVIEWED BY COUNTY ATTORNEY:

☐ YES

☐ NO

☐ N/A

ADVISORY BOARD RECOMMENDATION:

COUNTY MANAGER'S RECOMMENDATION:

Approve FY 2012-2013 Budget Amendments, Capital Project Ordinance Amendments and the Public School Building Capital Fund Application.

ATTACHMENTS:

1. Application Public School Building Capital Fund
 2. _____
 3. _____
-

ACTION OF THE BOARD OF COMMISSIONERS

APPROVED: ☐
DENIED: ☐
DEFERRED
UNTIL: _____

ATTEST: CLERK TO THE BOARD

SIGNATURE

OTHER:

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
ADM (Corporate Tax) Fund**

Approved: _____

Date: _____

County: Brunswick
 Address: 35 Referendum Drive Bolivia, NC 28422
 School Admin. Unit: Brunswick County Schools
 Project Title: Technology
 Location: Brunswick County Schools District
 Type of Facility: _____

Contact Person: Freyja Cahill, CPA
 Title: /Finance Officer
 Phone: (910) 253-1014

G.S. 115C-546.2(b) "Counties shall use monies in the Fund for capital outlay projects including the planning, construction, reconstruction, enlargement, improvement, repair, or renovation of public school buildings and for the purchase of land for public school buildings; for equipment to implement a local school technology plan that is approved pursuant to G.S. 115C-102.6C; or for both. Monies used to implement a local school technology plan shall be transferred to the State School Technology Fund and allocated by that Fund to the local school administrative unit for equipment. As used in this section, 'public school buildings' only includes facilities for individual schools that are used for instructional and related purposes and does not include centralized administration, maintenance, or other facilities. **Applications must be submitted no later than one year after the final payment to the Contractor or Vendor.**

Short Description of Construction Project: Technology projects as outlined in the local schools technology plan
 For Brunswick County Schools: Twenty First Century

Estimated Costs:	State	Local	Total
Purchase of Land	\$ _____	\$ _____	\$ 0.00
Planning	\$ _____	\$ _____	\$ 0.00
Construction	\$ _____	\$ _____	\$ 0.00
Renovation	\$ _____	\$ _____	\$ 0.00
Enlargement	\$ _____	\$ _____	\$ 0.00
Repair	\$ _____	\$ _____	\$ 0.00
School Technology	\$ 3,019	\$ N/A	\$ 3,019
Debt Service/Bond Payment	\$ _____	\$ _____	\$ 0.00
Total	\$ 3,018.61	\$ 0.00	\$ 3,018.61

Bid Dates/Vendors: N/AContracts signed/Dates: N/AEstimated date of beginning of construction: N/AEstimated date of completion: N/A

Match: The matching funds of one dollar of local funds for every three dollars of state funds are from (source): N/A

\$ 0.00 of the matching funds have been expended for/date/description: _____

Reporting requirements: We, the undersigned, agree to submit a report of state/local amounts expended for this project within 60 days after completion of the project, or 60 days after receiving state funding, whichever is later.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project and request release of \$ 3,018.61 from the Public School Building Capital Fund. We certify that the project herein described is within the parameters of 115C-546.2(b) and that all of the required local funding is available and designated as match for this project.

(Signature - Chair, County Commissioners)

(Date)

(Signature - Chair, Board of Education)

(Date)

Form date: 1/25/2010



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

023

TO: Marty K. Lawing, County Manager

ACTION ITEM #: V-D

FROM: Kimberley Thompson
Ext. # 2524

MEETING DATE: April 1, 2013

DATE SUBMITTED: March 22, 2013

ISSUE/ACTION REQUESTED:

PUBLIC HEARING: ☐ YES ☒ NO

Bethel United Methodist Church applied to be exempt from tipping fees at the Brunswick County Landfill. Staff recommends approval of tipping fee exemption.

BACKGROUND/PURPOSE OF REQUEST:

The County has typically waived tipping fees for churches and other non-profit organizations in the past. This organization has applied to be exempt from tipping fees. This exemption of fees applies only to the County Landfill in Bolivia and does not include regular household trash or yard debris.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:

☐ YES ☒ NO

CAPITAL PROJECT/GRANT ORDINANCE REQUIRED:

☐ YES ☒ NO

PRE-AUDIT CERTIFICATION REQUIRED:

☐ YES ☒ NO

REVIEWED BY DIRECTOR OF FISCAL OPERATIONS

☐ YES ☒ NO

CONTRACTS/AGREEMENTS:

REVIEWED BY COUNTY ATTORNEY:

☐ YES ☐ NO ☒ N/A

ADVISORY BOARD RECOMMENDATION:

COUNTY MANAGER'S RECOMMENDATION:

Approve Tipping Fee Exemption for Bethel United Methodist Church.

ATTACHMENTS:

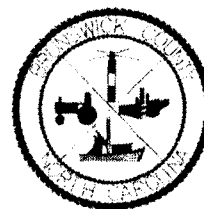
1. Bethel United Methodist Church Application
 2. _____
 3. _____
-

ACTION OF THE BOARD OF COMMISSIONERS**APPROVED:**☐**DENIED:**☐**DEFERRED****UNTIL:**

ATTEST:**CLERK TO THE BOARD**

SIGNATURE**OTHER:**

Brunswick County Solid Waste & Recycling
P.O. Box 249, Bolivia, NC 28422
Phone (910) 253-2520 Fax (910) 253-2539



Application for Charitable Organizations to be Exempt from Tipping Fees
at the Brunswick County Transfer Station and C & D Landfill

Please complete the following form and return it to the above address. Completed applications will be reviewed by the Board of Commissioners. If approved, authorized members of your organization will receive a card that should be shown to the Scalehouse Operator at the Landfill in order to dispose of materials free of charge. Up to three officers of your organization will receive this authorization card. In order to dispose of materials for free, an authorized individual from the organization would need to show the card to the Scalehouse Operator. An authorized individual may give the card to another member of the organization as long as the authorized individual calls the Scalehouse Operator in advance. **The exemption from tipping fees does not apply to regular household trash or yard debris. Only materials from the operation of the approved organization qualify for the exemption.**

Name of Organization Bethel United Methodist Church

3909 US
Address of Organization 17 Business, Bolivia P.O. Box 403

Phone Number of Organization 253-4066

Please briefly describe your organization's mission Methodist Church

Please briefly explain why your organization needs to be exempt from tipping fees tax exempt

Please list the name, title, home address and phone number of each officer that would be authorized to dispose of materials at the Landfill. Each of these individuals would need to read and sign this form to indicate that they understand the terms of the exemption.

Name	Title	Address	Phone	Signature
1) Gerald (Butch) Core	Trustee	945 South Shore Dr	910-279-9403	<i>[Signature]</i>
2) Gene Wilson	Trustee	Gene Wilson	704-907-2585	<i>[Signature]</i>
3) Larry Coffman	Trustee	795 S. Shore Dr	910-297-3211	<i>[Signature]</i>
		Southport NC 28461		



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2012

036

TO: Marty K. Lawing, County Manager

ACTION ITEM #: VI-1

FROM: Tom Rogers
Ext. # 2578

MEETING DATE: 4/1/2013

DATE SUBMITTED: 3/18/2013

ISSUE/ACTION REQUESTED:

PUBLIC HEARING: ☐ YES ☐ NO

Request that the Board of Commissioners proclaim the week of April 14-20, 2013 as National Telecommunicators Week.

BACKGROUND/PURPOSE OF REQUEST:

The Congress and President of the United States have established the third week of April as National Telecommunicators Week. This observance has been recognized nationally since 1981. The Emergency Services Department currently has 26 full-time Telecommunicator positions working within the department. These staff members provide the highest level of service possible to the residents and visitors of Brunswick County. We are requesting that the Board recognize their achievements by proclaiming April 14-20, 2013, as National Telecommunicators Week in Brunswick County.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:

☐ YES ☒ NO

CAPITAL PROJECT/GRANT ORDINANCE REQUIRED:

☐ YES ☒ NO

PRE-AUDIT CERTIFICATION REQUIRED:

☐ YES ☒ NO

REVIEWED BY DIRECTOR OF FISCAL OPERATIONS

☐ YES ☒ NO

CONTRACTS/AGREEMENTS:

REVIEWED BY COUNTY ATTORNEY:

☐ YES ☐ NO ☒ N/A

ADVISORY BOARD RECOMMENDATION:

COUNTY MANAGER'S RECOMMENDATION:

Approve Proclamation to Designate the Week of April 14-20, 2013 as National Telecommunicators Week.

ATTACHMENTS:

1. Proclamation _____
2. _____
3. _____

ACTION OF THE BOARD OF COMMISSIONERS**APPROVED:**☐**DENIED:**☐**DEFERRED****UNTIL:**

ATTEST:**CLERK TO THE BOARD**

SIGNATURE**OTHER:**



008



Proclamation

To designate the week of April 14-20, 2013 as
National Telecommunicator's Week

Whereas, the Congress of the United States, and the President of the United States have established the second week of April as National Telecommunicator's Week; and

Whereas, as a corps of dedicated Public Safety Telecommunicator's serve the county of Brunswick; and

Whereas, emergencies can occur at anytime requiring sheriff, police, fire or emergency medical services; and

Whereas, when an emergency occurs the prompt response of law enforcement, firefighters and paramedics is critical to the protection of life and preservation of property; and

Whereas, the safety of our deputy sheriffs, police officers, firefighters and emergency medical service's personnel is dependent upon the quality and accuracy of information obtained from citizens who telephone the Brunswick County Communications Center; and

Whereas, public safety dispatchers are the first and most critical contact our citizens have with emergency services; and

Whereas, public safety dispatchers are the single vital link for our law enforcement, fire and emergency medical services personnel by monitoring their activities by radio, providing them information and ensuring their safety; and

Whereas, public safety dispatchers of the Brunswick County Communications Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

Whereas, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their duties in the past year;

Now therefore be it resolved on behalf of the citizens of Brunswick County, NC and adopted this 1st day of April, 2013, by the Brunswick County Manager and County Commissioners that the week of April 14-20, 2013, is recognized as National Communicator's Week.

Phil Norris, Chairman
Brunswick County Commissioners

ATTEST:

Deborah S. (Debby) Gore, NCCCC
Clerk to the Board



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

033

TO: Marty K. Lawing, County Manager
FROM: J. Leslie Bell, AICP, HDFP
Planning & Community Development
Ext. # 2033

ACTION ITEM #: VII-1
MEETING DATE: 01-Apr-13
DATE SUBMITTED: 21-Mar-13

ISSUE/ACTION REQUESTED:

PUBLIC HEARING: ☒ YES ☐ NO

Map Amendment Z-13-697

BACKGROUND/PURPOSE OF REQUEST:

Request that the attached Zoning and Map Amendment be included on your 01-Apr-13 Agenda for a Public Hearing, Second Reading and Adoption at 6:30 p.m.

The Planning Board held a Public Hearing on 11-Feb-13.

Item 1 (Map Amendment Z-697 – L.A. Lewis)

Item 1 is a map amendment initiated by the property owner. This request from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of the entirety of Tax Parcel 1680002401 located off Ocean Highway W. (US 17) and Quilt Road SW (SR 1203) near Supply, NC.

This rezoning includes approximately 2.09 acres of the total 7.05 acres.

Mr. Candler made a motion to open the public hearing and the motion was unanimously carried.

Mr. Louie Lewis addressed the Board. He stated that the property was split-zoned when the property was originally zoned. Mr. Lewis said there is currently a fence on the rear of the subject property. He further stated that the portion currently zoned R-7500 (Medium Density Residential) is undevelopable with the C-LD (Commercial Low Density) to the north. The Chairman asked the applicant if he is aware of the minimum buffer requirements and Mr. Lewis replied, yes. Mr. Lewis said there is an existing vegetative buffer and fence off Quilt Road SW (SR 1203).

Mr. Malcolm Schmehl, owner of Tax Parcel 168GB061, addressed the Board in opposition to the zoning change because there is a potential for an increase in traffic generated by commercial activity.

Ms. Judith McCann, owner of Tax Parcel 168GB005, addressed the Board about the potential increase in traffic on Quilt Road SW (SR 1203). She stated that Mr. W.A. Roach put speed bumps in place to minimize speeders on Quilt Road SW (SR 1203), but there are still speeders in the neighborhood that trespass on private property to maneuver around the speed bumps. Ms. McCann felt that Quilt Road SW (SR 1203) will be a cut-through from Stone Chimney Road SW (SR 1115) to Ocean Highway W. (US 17). She was also concerned with devaluation of their neighborhood (Folly Estates). Ms. McCann said the homeowners in Folly Estates pay Mr. Roach for maintenance of their portion of Quilt Road SW (SR 1203) that is not State-maintained. She stated that there are health concerns and potential contamination of well water if commercial development comes to the area. Ms. McCann also was concerned with potential criminal elements generated by commercial

establishments in a residential community.

Ms. Kathy Desjean, owner of Tax Parcel 168GB02303, addressed the Board. Ms. Desjean said she is in the process of constructing a home on her property and it abuts the C-LD Zoning. She asked the purpose of the zoning change? The Chairman said the Board cannot address specific uses of the property because any use in the proposed zone could be permitted. Ms. Desjean was concerned for her grandchildren's safety.

Mr. Jim Bradshaw, Brunswick County EDC Executive Director, addressed the Board. He stated that this area is considered one (1) of the top potential retail developments for the whole County. Mr. Bradshaw said there are 120,000 people in Brunswick County in need of retail development and the corridor in this area will enhance the marketability of the area. He stated that there are future opportunities to work with the development to provide a buffer or negate traffic to Stone Chimney Road SW (SR 1115) at the site plan review stage.

Mr. Luther and Mrs. Connie Stowers, owners of Tax Parcel 168GB057, addressed the Board. Mr. Stowers said he previously spoke with the North Carolina Department of Transportation (NCDOT) when Mr. Roach tried to rezone property in their neighborhood regarding where the State maintenance ends on Quilt Road SW (SR 1203). Mrs. Stowers said there is a small section of Quilt Road SW (SR 1203) off US 17 that is maintained by the State. Mr. Stowers reiterated that the homeowners in Folly Estates pay for the maintenance of a portion of Quilt Road SW (SR 1203) not maintained by the State. He stated that there is heavy traffic currently on Quilt Road and school buses do not travel the road. Mr. Stowers agreed with blocking Quilt Road SW (SR 1203) to negate access to Stone Chimney Road SW (SR 1115). Ms. Stowers asked the minimum buffer requirements? The Chair said staff will address the minimum buffer requirement(s) in their Staff Report. Ms. Dixon indicated that she received a copy of the NCDOT map (attached) and she provided the Board with a copy of the map as it relates to that portion Quilt Road SW (SR 1203) maintained by NCDOT. Mr. Stowers suggested that Quilt Road be blocked so access cannot be gained to Stone Chimney Road SW (SR 1115).

Mr. Greg Rushing, owner of Tax Parcel 168GB060, addressed the Board. Mr. Rushing reiterated that there is a great deal of traffic in the area and he is opposed to the zoning change.

Mr. Lewis re-addressed the Board. He stated that the subject property has access off US 17 as well as two (2) driveways off Quilt Road SW (SR 1203) that were used several years ago. He felt that the zoning change will not increase traffic on Quilt Road SW (SR 1203).

With no further comments, Mr. Candler made a motion to close the Public Hearing and the motion was unanimously carried. Ms. Dixon read the Staff Report (attached). She identified the subject property and surrounding properties on a map displayed on an overhead projector. Ms. Dixon said staff recommends approval to C-LD (Commercial Low Density) for Tax Parcel 1680002401.

Mrs. Henry asked if there are homes to the south of the subject property that are zoned R-7500 (Medium Density Residential) and Ms. Dixon replied, yes.

The Board discussed the worksheet and concluded the following:

- I. Will the uses permitted by the proposed change be appropriate for the area concerned?

Yes. This area is in transition and there is similar zoning nearby. This also will correct split-zoning of the property.

- II. Does adequate public school facilities and other public services/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

Yes. This rezoning request is located in the Supply Elementary School District, which has adequate capacity; Cedar Grove Middle School District has adequate capacity; and West Brunswick High School District has adequate capacity. There is a new high school is scheduled for FY2016.

This rezoning is located in the Supply Fire District.

Water is available by Brunswick County Utilities via a thirty inch (30") main off Ocean Highway W. (US 17). Sewer is available by Brunswick County Utilities via a twenty-four inch (24") force main off Ocean Highway W. (US 17). All sewer connections must be approved by the Brunswick County Public Utilities Department because the sewer line is a main transmission line. It is the developer responsibility to connect to the water and sewer systems.

This rezoning has access off Quilt Road SW (SR 1203) and Ocean Highway W. (US 17) and there are no capacity deficiencies at this time. A portion of Quilt Road SW by the rezoning site is not paved. NCDOT maintains a portion of Quilt Road SW (SR 1203) before Quilt Road SW enters Folly Estates. Quilt Road SW intersects both Ocean Highway W. (US 17) and Stone Chimney Road SW (SR 1115). There are two (2) North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Projects and two (2) North Carolina Department of Transportation (NCDOT) Studies in this area in this area.

- TIP Project R-4732 is access management improvements at various locations. This project is scheduled for reprioritization.
- TIP Project R-3436 is a new interstate with multi-lanes for I-74 that will run from South Carolina State Line through Brunswick County to US 74/76 in Columbus County. This project is scheduled for reprioritization.
- US 17 Corridor Study is future improvements to US 17 that will protect integrity, maintain mobility, while residential and commercial development increases. This study is a completed Long Range Study.
- Interstate 74 Feasibility Study realigns Interstate 74 with a four lane divided interstate freeway from Whiteville in Columbus County to the South Carolina State Line in Brunswick County. This study is a completed Long Range Study.

- III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

Yes. This change is consistent with the CAMA Land Use Plan.

- IV. Is the proposed amendment reasonable as it relates to the public interest?

Yes. This corrects a split-zoning of the property and there are minimum buffers imposed.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED: ☐ YES ☒ NO
CAPITAL PROJECT/GRANT ORDINANCE REQUIRED: ☐ YES ☒ NO
PRE-AUDIT CERTIFICATION REQUIRED: ☐ YES ☒ NO
REVIEWED BY DIRECTOR OF FISCAL OPERATIONS ☐ YES ☒ NO

CONTRACTS/AGREEMENTS:

REVIEWED BY COUNTY ATTORNEY: ☐ YES ☐ NO ☒ N/A

ADVISORY BOARD RECOMMENDATION:

Members Present: Alan Lewis, Bobby Long, Steve Candler, Cynthia Henry, Denny Jordan, and Troy Price

Members Absent: Dr. James Graham, Jr. and Eric Dunham

Planning Staff recommends approval from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1680002401 located off Ocean Highway W. (US 17) and Quilt Road SW (SR 1203) near Supply, NC.

Planning Board recommends approval from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 1680002401 located off Ocean Highway W. (US 17) and Quilt Road SW (SR 1203) near Supply, NC [6 to 0 with Dr. James Graham, Jr. and Eric Dunham being absent].

COUNTY MANAGER'S RECOMMENDATION:

ATTACHMENTS:

1. Staff Report and Corresponding Map(s).
2. Two (2) NCDOT Maps.
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

ACTION OF THE BOARD OF COMMISSIONERS

APPROVED:

☐

DENIED:

☐

DEFERRED

UNTIL:

ATTEST:

CLERK TO THE BOARD

SIGNATURE

OTHER:

044

GOVERNING BOARD ACTION
(per N.C.G.S. 153A-341)

Zoning Map Amendment No. Z-697

Description: Change in Zoning District from C-LD (Commercial Low Density) and R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of the entirety of for Tax Parcel 1680002401 located off Ocean Highway W. (US 17) and Quilt Road SW (SR 1203) near Supply, NC. This rezoning includes approximately 2.09 acres of the total 7.05 acres.

I. THE REZONING DESCRIBED ABOVE

<input type="checkbox"/> IS CONSISTENT <input type="checkbox"/> IS NOT CONSISTENT
--

 WITH

THE BRUNSWICK COUNTY CAMA LAND USE PLAN.

II. THE REZONING DESCRIBED ABOVE

<input type="checkbox"/> IS <input type="checkbox"/> IS NOT
--

 REASONABLE

AND IN THE PUBLIC INTEREST BASED ON THE FOLLOWING:

[MOTION NEEDED TO ADOPT STATEMENTS I & II ABOVE]

THEREFORE, on the basis of all the information provided including the foregoing,

the Brunswick County Board of Commissioners

<input type="checkbox"/> Approve <input type="checkbox"/> Deny

 the Rezoning as presented.

BRUNSWICK COUNTY BOARD OF COMMISSIONERS

Phil Norris, Chairman

ATTEST:

Debby Gore, Clerk to the Board

First Reading: _____

Public Reading: _____

Second Reading: _____

045

The seal of Brunswick County, North Carolina, is a circular emblem with a rope-like border. The words "BRUNSWICK COUNTY" are arched across the top, and "NORTH CAROLINA" is arched across the bottom. The center of the seal is divided into four quadrants by a black cross. The top-left quadrant is white and contains a black silhouette of a tractor. The top-right quadrant is black and contains a white silhouette of a combine harvester. The bottom-left quadrant is white and contains a black silhouette of a plow. The bottom-right quadrant is black and contains a white silhouette of a sheaf of wheat.

ZONING DISTRICT OF SUBJECT PROPERTY	ZONING DISTRICT OF ADJOINING PROPERTY					
	Rural Residential	R-7500, R-6000, and SBR-6000	MR-3200 and N-C	C-I	C-LD and RU-I	I-G
Rural Residential	.0 ¹ /0 ²	.2/2	.4/6	.2/8	.2/8	.2/1.0
R-7500, R-6000, and SBR-6000	.2/2	.0 ¹ /0 ²	.2/4	.2/6	.2/6	.2/1.0
MR-3200 and N-C	.4/6	.2/4	.0 ¹ /0 ²	.2/6	.2/6	.2/1.0
C-I	.6/8	.4/6	.4/6	.0/0	.2/4	.2/1.0
C-LD and RU-I	.6/8	.4/6	.4/6	.2/4	.0/0 ³	.2/1.0
I-G	.8/1.0	.8/1.0	.6/1.0	.6/1.0	.4/6	.0/0

Rev. 11-Oct-3

¹ Non-residential uses locating next to vacant property shall be required to provide a 0.2 buffer.

² When locating a non-residential use in a Rural Residential, R-7500, R-6000, SBR-6000, MR-3200, NC, CLD, or RU-I zoning district next to an existing residential developed property, a 0.4 buffer shall be required. Non-residential uses locating next to other non-residential uses are not required to provide a buffer.

PROJECT BOUNDARY BUFFER ALTERNATIVES TABLE:

☐ Project buffers not required unless a non-residential use

MINIMUM REQUIRED PROJECT BOUNDARY BUFFER*				
Required Opacity	Alternative 1	Alternative 2	Alternative 3 Plantings + 6-Foot Fence	Alternative 4 Plantings + 6-Foot Wall
0.2	10 feet 1 canopy 1 understory 7 shrubs	10 feet 1 canopy 2 understory 3 shrubs	Not available	Not available
0.4	20 feet 2 canopy 4 understory 25 shrubs	20 feet 2 canopy 6 understory 9 shrubs	Not available	Not available
0.6	30 feet 3 canopy 6 understory 34 shrubs	30 feet 3 canopy 8 understory 13 shrubs	20 feet 0 canopy 3 understory 3 shrubs	15 feet 0 canopy 3 understory 3 shrubs
0.8	50 feet 5 canopy 7 understory 43 shrubs	50 feet 4 canopy 10 understory 17 shrubs	35 feet 0 canopy 5 understory 7 shrubs	25 feet 0 canopy 5 understory 7 shrubs
1.0	80 feet 5 canopy 8 understory 49 shrubs	80 feet 4 canopy 11 understory 19 shrubs	60 feet 0 canopy 5 understory 7 shrubs	40 feet 5 canopy 0 understory 9 shrubs

* Buffer Depths and Plants Required Per 100 Linear Feet

LAND USE ANALYSIS

Current Surrounding Area Land Use(s):

- ☐ Agricultural/Conservation/Forestry Lands
 ☒ Vacant/Undeveloped Property
☒ Residential
 ☒ Commercial
 ☐ Industrial
 ☐ Institutional
 ☐ Utility

Brunswick County CAMA Land Use Plan Land Use Classification: MU (Mixed Use)

☒ Consistent with the Land Use Plan Map ☐ Not Consistent with Land Use Plan Map

Brunswick County CAMA Land Use Plan policies affecting this rezoning:

- P.14 states that Brunswick County supports utilization of office/institutional/multi-family development as a buffer between light industrial and commercial development and adjacent residential land uses.
- P.16 states that Brunswick County strongly supports commercial nodes, including town or village centers, and the prohibition of strip commercialization.
- P.17 states that Brunswick County encourages/supports commercial development (nodes) at the intersections of major roads consistent with the County's future land use map.
- P.49 states that Brunswick County supports directing more intensive land uses to areas that have existing or planned infrastructure.
- P.112 states that Brunswick County will encourage industrial and commercial development in areas with existing infrastructure that does not infringe on existing medium density residential.

Capital Improvement Plan (CIP):

☒ CIP Projects ☐ No CIP Projects

CIP Project(s)	Scheduled
New High School	FY 2016
Lockwood Folly Park	FY 2014 & FY 2015
Cedar Grove Park Phase 2	FY 2016 & FY 2017

Future Surrounding Areas Land Use(s):

This area has been experiencing changes based upon recent land development activities submitted to the Brunswick County Planning Department. Richmond Hills PUD has been approved in the area totaling 136 single-family lots and a McDonald's restaurant is being constructed near the rezoning site across US 17.

The rezoning site is not located within a Subdivision, is currently vacant except for a accessory building. Tax Parcel 16800002401 fronts both Ocean Hwy (US 17) and Quilt Road (SR 1203). This rezoning is located next to the Folly Estates Subdivision, which was recorded in 1992.

INFRASTRUCTURE AND SERVICE IMPACTS

SCHOOL CAPACITY:

<i>Elementary School: Supply</i>	<i>Middle School: Cedar Grove</i>	<i>High School: West Brunswick</i>
<input checked="" type="checkbox"/> Adequate Capacity	<input checked="" type="checkbox"/> Adequate Capacity	<input checked="" type="checkbox"/> Adequate Capacity
<input type="checkbox"/> Two-Year Capacity Warning	<input type="checkbox"/> Two-Year Capacity Warning	<input type="checkbox"/> Two-Year Capacity Warning
<input type="checkbox"/> Out-of-Capacity	<input type="checkbox"/> Out-of-Capacity	<input type="checkbox"/> Out-of-Capacity



MAJOR ROADWAY IMPACTS:

ROAD ACCESS AND CAPACITY:

☐ **Wilmington MPO**

Road	Capacity Deficiencies
Quilt Road (SR 1203)	None
Ocean Hwy (US 17)	None

* A portion of Quilt Road by the rezoning site is not paved. NCDOT maintains a portion of Quilt Road (approx. 0.18 miles) before Quilt Road enters Folly Estates. Quilt Road intersects both Ocean Highway (US 17) and Stone Chimney Road (SR 1115).

NCDOT PROJECTS AND STUDIES:

☐ **NONE**

Project	Project Type	Project Description	Status
R-4732	TIP	Access management improvements at various locations.	Scheduled for Reprioritization
R-3436	TIP	New interstate with multilanes for I-74 that will run from South Carolina State Line through Brunswick County to US 74/76 in Columbus County.	Scheduled for Reprioritization
US 17 Corridor Study	Study	Future improvements to US 17 that will protect integrity, maintain mobility, while residential and commercial development increase.	Completed Long Range Study
Interstate 74 Feasibility Study	Study	Realigning Interstate 74 with a four-lane divided interstate freeway from Whiteville in Columbus County to the South Carolina State Line in Brunswick County.	Completed Long Range Study

UTILITIES:

CURRENT WATER AND SEWER AVAILABILITY

WATER:

☐ **Not Available**

☒ **Available**

PROVIDER:

- ☒ Brunswick County Utilities
☐ Brunswick Regional Water & Sewer District (H₂GO)
☐ South Brunswick Sanitary District

SIZE OF WATER LINE: 30 inch main

LOCATION: Ocean Hwy (US 17)

SEWER:

☐ **Not Available**

☒ **Available**

PROVIDER:

- ☒ Brunswick County Utilities
☐ Brunswick Regional Water & Sewer District (H₂GO)
☐ South Brunswick Sanitary District

SIZE OF SEWER LINE: 24-inch force main

LOCATION: Ocean Hwy (US 17)

All sewer connections must be approved by the Brunswick County Public Utilities Department because the sewer line is a main transmission line. Developer responsibility to connect to the water and sewer systems.

FIRE DISTRICT:

This rezoning request is located in the Supply Fire District.

ENVIRONMENTAL IMPACTS

- ☐ Located within a FEMA Flood Hazard Zone.
- ☐ Located near a watercourse/water body.
- ☒ Located in the Lockwood Folly Watershed and in the area of the Lockwood Folly River Water Quality Study. The Brunswick County Board of Commissioners have accepted the Lockwood Folly River Roundtable Strategy report.
- ☐ Located in a Significant Natural Heritage Area.

OTHER SITE CONSIDERATIONS

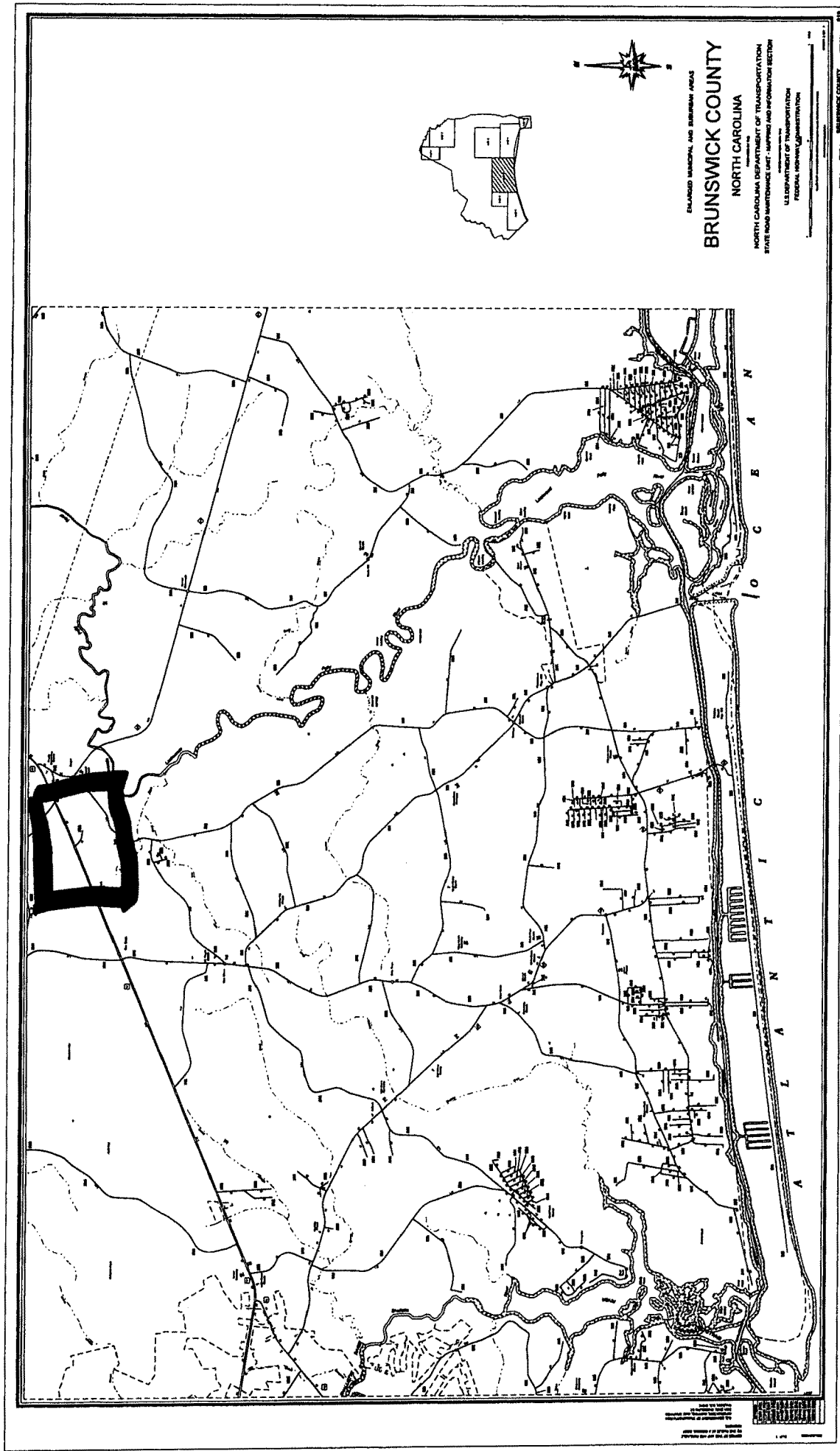
- ☒ Will correct a split zoning on a parcel(s).
- ☐ Potentially could create a *spot zoning*.
- ☒ Located near residential and commercial zoned property.
- ☒ Located in an Overlay Zoning District (CDS I).
- ☒ Located near other property designated as MU in the *Brunswick County CAMA Land Use Plan*.
- ☒ Located within a growth corridor.
- ☐ Classified as a Bona Fide Farm.
- ☒ Located within 1/2 mile of a Voluntary Agricultural District (VAD).
- ☐ Cemetery known to be located on the rezoning nearby.
- ☐ Historic Site(s) known to be located near the rezoning.

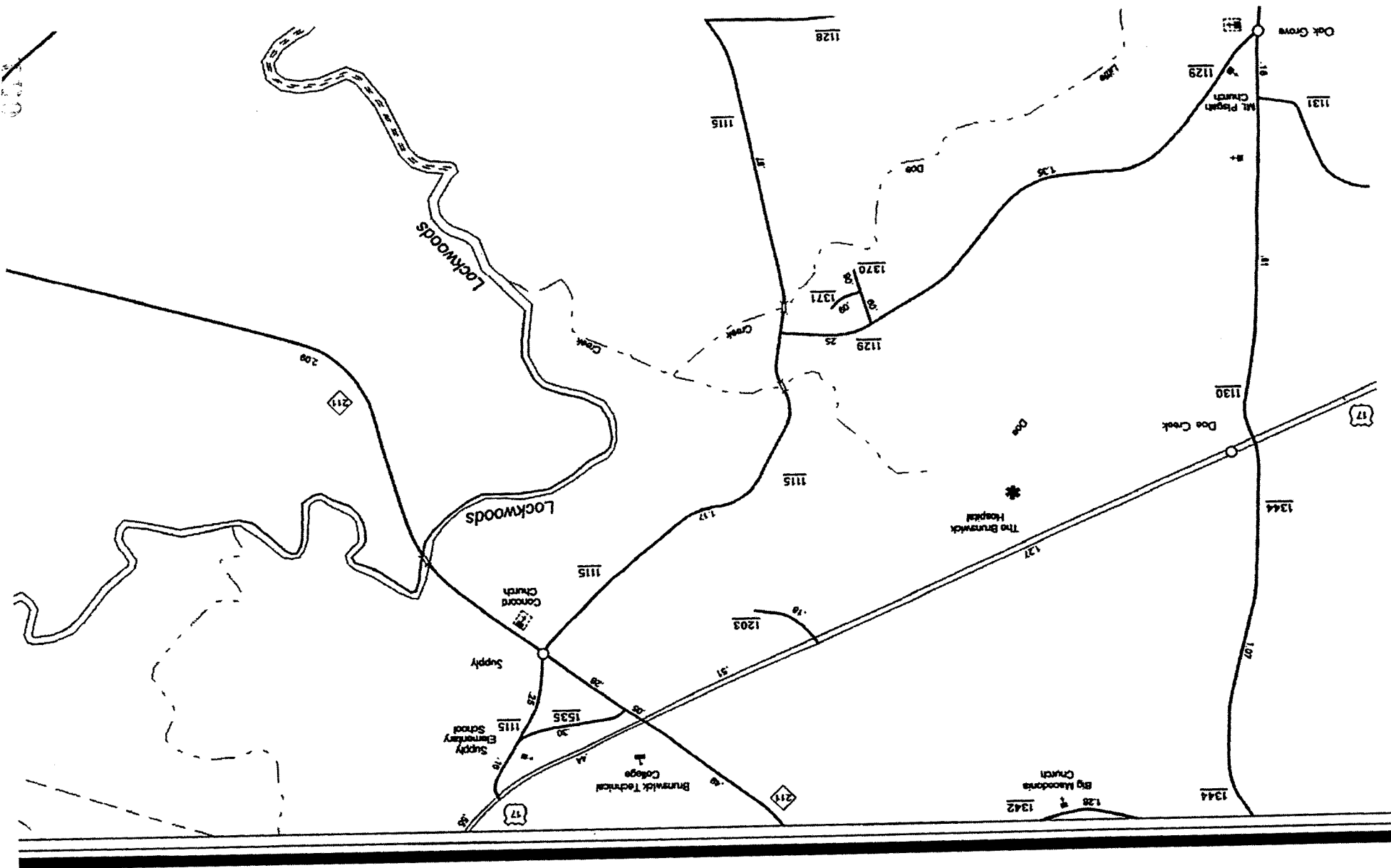
STAFF RECOMMENDATION

- ☒ **APPROVAL TO:** ☐ RR ☐ R-7500 ☐ R-6000 ☐ SBR-6000 ☐ MR-3200
☐ CP ☐ NC ☒ CLD ☐ CI ☐ IG ☐ RU-I ☐ MI

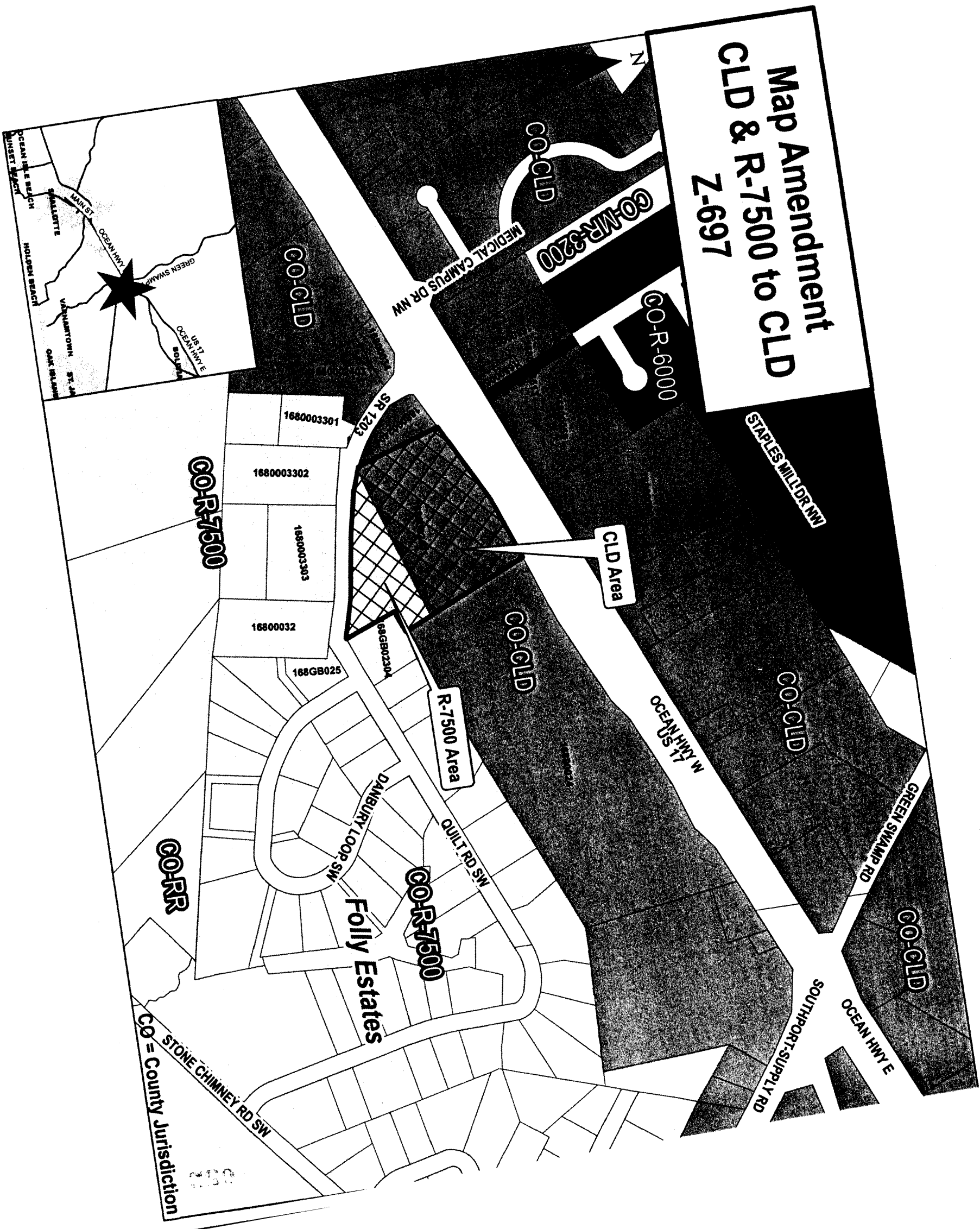
- ☐ **DENIAL OF REZONING**

650





Map Amendment CLD & R-7500 to CLD Z-697



Map Amendment CLD & R-7500 to CLD Z-697

Mixed Use

PATRICK HENRY CIR NW

STAPLES MILL DR NW

GREEN SWAMP RD

OCEAN HWY E

SOUTHPORT-SUPPLY RD

Mixed Use

OCEAN HWY W
US 17

CLD Area

Mixed Use

R-7500 Area

QUILT RD SW SR 1203

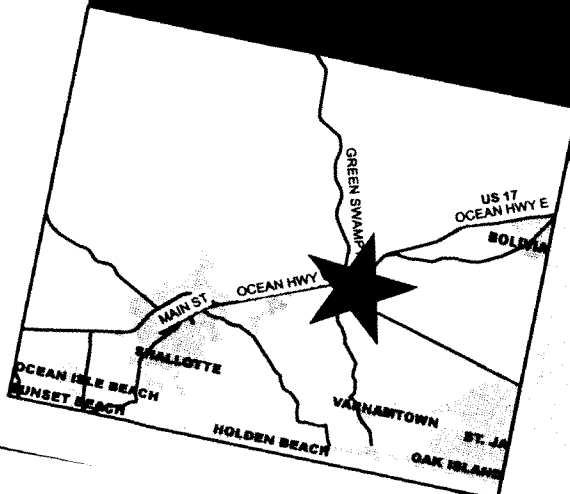
Mixed Use

Folly Estates

LDR

STONE CHIMNEY RD SW

CO = County Jurisdiction



SR 1203

1680003301

1680003302

1680003303

16800032

168GB025

LDR

DANBURY LOOP SW

Pictures of Rezoning Case Z-697



Rezoning Site

Pictures of Rezoning Case Z-697



Looking East on Quilt Road



Looking West on Quilt Road



Folly Estates



Portion of Quilt Road Unpaved

Pictures of Rezoning Case Z-697



Other Properties along Quilt Road



Brunswick County Board of Commissioners

ACTION AGENDA ITEM

2013

057

TO: Marty K. Lawing, County Manager

ACTION ITEM #: VII-2

FROM: J. Leslie Bell, AICP, HDPF
Planning & Community Development
Ext. # 2033

MEETING DATE: 01-Apr-13

DATE SUBMITTED: 21-Mar-13

ISSUE/ACTION REQUESTED:

PUBLIC HEARING: ☒ YES ☐ NO

Unified Development Ordinance Text Amendment UDO-13-01

BACKGROUND/PURPOSE OF REQUEST:

Request that the attached Unified Development Ordinance Text Amendment be included on your 01-Apr-13 Agenda for a Public Hearing, Second Reading and Adoption at 6:30 p.m.

The Planning Board held a Public Hearing on 11-Feb-13.

Item 1

Amend Article 4, Zoning Districts, Section 4.13.8., Certification and Qualification of Farmland, to replace the certification of soils requirement that the property must be managed in accordance with the Natural Resources Conservation Service's defined erosion-control practices if highly erodible lands exist on the property.

Mr. Mark Blevins, Director of N.C. Cooperative Extension, addressed the Board. He stated that the proposed text amendment is streamlining the internal processes for allowing participants into the Voluntary Agricultural District (VAD) Program. He stated that standards are not being lowered, but they will not have to review everybody's soil type. He said they will continue to identify and appropriately act on soils that are highly-erodible.

Mr. Long asked Mr. Blevins how the highly-erodible soils are defined? Mr. Blevins said they are mapped throughout the Country and Brunswick County has a few highly-erodible soils. He said they are typically in sloped areas and the County does not have many such soils. Mr. Long asked Mr. Blevins if a private ownership changed to an LLC (Limited Liability Company), can they still participate in the VAD program? Mr. Blevins replied, yes. He stated that they can qualify as long as there is an individual applying for bona fide farm status and Ms. Dixon concurred.

Mr. Long expressed concern regarding subdivision of property, in which 1 lot is considered a minor subdivision. Ms. Dixon said the proposed text amendment addresses Major Subdivisions and Minor Subdivisions are excluded. Mr. Candler asked staff if the 3 acres have to be contiguous? Ms. Dixon replied, yes. The Chairman interjected that the acreage can be separated by a body of water and/or street and Ms. Dixon concurred.

Mr. Jordan asked staff if they are in concurrence with the changes as presented and Ms. Dixon replied, yes.

Mr. Louie Lewis addressed the Board in favor of the proposed text amendment. With no further comments, Mr. Candler made a motion to close the public hearing. Mr. Candler made a motion to

recommend to the Board of Commissioners to approve the proposed text amendment.

Mrs. Henry thanked Mr. Blevins for the VAD program and said she lives on a farm and is one of the 183 participants.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:

☐ YES ☒ NO

CAPITAL PROJECT/GRANT ORDINANCE REQUIRED:

☐ YES ☒ NO

PRE-AUDIT CERTIFICATION REQUIRED:

☐ YES ☒ NO

REVIEWED BY DIRECTOR OF FISCAL OPERATIONS

☐ YES ☒ NO

CONTRACTS/AGREEMENTS:

REVIEWED BY COUNTY ATTORNEY:

☐ YES ☐ NO ☒ N/A

ADVISORY BOARD RECOMMENDATION:

Members Present: Alan Lewis, Bobby Long, Steve Candler, Cynthia Henry, Denny Jordan, and Troy Price

Members Absent: Dr. James Graham, Jr. and Eric Dunham

Planning Staff recommends approval.

Planning Board recommends approval [6 to 0 with Dr. James Graham, Jr. and Eric Dunham being absent].

COUNTY MANAGER'S RECOMMENDATION:

ATTACHMENTS:

1. Letter of Endorsement from N.C. Cooperative Extension Service.
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

ACTION OF THE BOARD OF COMMISSIONERS**APPROVED:**☐**DENIED:**☐**DEFERRED****UNTIL:**

ATTEST:**CLERK TO THE BOARD**

SIGNATURE**OTHER:**

AN ORDINANCE AMENDING THE BRUNSWICK COUNTY
UNIFIED DEVELOPMENT ORDINANCE

The Brunswick County Board of Commissioners in regular session duly assembled does hereby ordain:

The Brunswick County Unified Development Ordinance is hereby amended as follows:

1). Amend Article 4, Zoning Districts, Section 4.13.8., Certification and Qualification of Farmland, as follows:

Section 4.13.8., Certification and Qualification of Farmland

In order for farmland to qualify for participation under the terms of this program, it shall meet the following requirements:

- A. The farmland shall be real property consisting of at least three acres and not located in a planned development (Major Subdivisions, Planned Unit Developments [PUD], and Planned Groups of Structures) unless the development was originally designed and approved to accommodate agricultural uses and documented on the preliminary plan, site plan, and/or associated plats;
- B. The property must be engaged in agriculture and defined as a Bona Fide Farm per Article 12 (Definitions) of the Brunswick County Unified Development Ordinance.
- C. The property must be managed, if highly erodible land exists on the property, in accordance with shall be certified by the Natural Resources Conservation Service of the United States Department of Agriculture; defined erosion-control practices that addresses highly erodible land, in consultation with the North Carolina Cooperative Extension Service and the Farm Service Agency, as being a farm on which at least two-thirds of the land is composed of soils that:
 - ~~1. Are best suited for providing food, seed, fiber, forage, timber, and horticultural crops, including Christmas trees and ornamentals;~~
 - ~~2. have good soil qualities;~~
 - ~~3. are favorable for all major crops common to the region of the County where the land is located;~~
 - ~~4. have a favorable growing season; and~~
 - ~~i. Receive the available moisture needed to produce high yields for an average of eight out of ten years; or~~
 - ~~ii. Soils on which at least two-thirds of the land has been actively used in agricultural, horticultural, or forestry operations as defined in N.C.G.S. 105-277.2 (1, 2, 3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies.~~
- D. The property is the subject of a Preservation Agreement, as defined in N.C.G.S. 121-35, between the County and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable county watershed and subdivision regulations, or the regulations of any municipality which apply to the farm property. The property owner may voluntarily revoke this Preservation Agreement by submitting a written request to the Advisory Board in accordance with Section 4.13.6.
- E. The property must be located in the unincorporated area of Brunswick County, unless there is an agreement in place with a municipality where the county is authorized to exercise the authority of the municipality on its behalf.

BRUNSWICK COUNTY BOARD OF COMMISSIONERS

Phil Norris, Chairman

ATTEST:

Debby Gore, Clerk to the Board

First Reading: _____

Public Reading: _____

Second Reading: _____

002

North Carolina Cooperative Extension Service

NC STATE UNIVERSITY

Brunswick County Center
P. O. Box 109
Bolivia, NC 28422
(910) 253-2610

MEMORANDUM

To: Leslie Bell, Brunswick County Planning Department Director

From: Mark Blevins, Brunswick County Cooperative Extension Director

Date: January 28, 2013

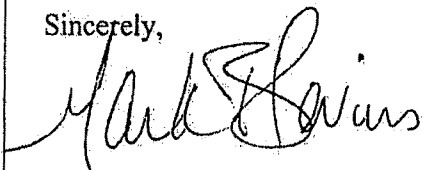
RE: Proposed text amendment to amend section 4.13.8 of the Brunswick County UDO

Thank you for the efforts of the Planning Department in preserving farmland and open space in the county in appropriate ways through our Voluntary Agricultural District.

Please proceed with the following text amendment endorsed by the Voluntary Agricultural District Executive Board in their meeting on January 11, 2013. This text amendment will build on last year's revisions to continue to comply with further legislative changes and interpretations.

As always, we appreciate the Planning Board's vision for wise development in Brunswick County that balances our rich history with a bright future.

Sincerely,



Mark Blevins
County Extension Director



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

063

TO: Marty K. Lawing, County Manager
FROM: Jerry W. Pierce, P.E., Dir. of Public Utilities
Ext. # 2659

ACTION ITEM #: VII-3
MEETING DATE: April 1, 2013
DATE SUBMITTED: March 22, 2013

ISSUE/ACTION REQUESTED:

PUBLIC HEARING: ☒ YES ☐ NO

After conducting the Public Hearing for proposed changes to the County's Sewer Use Ordinance, adopt the proposed ordinance changes.

BACKGROUND/PURPOSE OF REQUEST:

The North Carolina Department of Environment and Natural Resources (NC DENR) has conducted an extensive review of the County's Wastewater Pretreatment Program and Sewer Use Ordinance. The NC DENR staff submitted a list of recommended changes to the Sewer Use Ordinance to make it in conformance with the current NC DENR and Environmental Protection Agency (EPA) Regulations.

A number of editorial changes have been made throughout the Sewer Use Ordinance such as changing the name of the person responsible for administering the program from Public Owned Treatment Works Operator to Public Utilities Director. The major change in the document is change in the hearing process for appeals of administrative decisions such as fines made by the Pretreatment Coordinator. The new appeals process calls for the Director of Public Utilities to hold a hearing and make a decision on the appeal of the fines levied by the Pretreatment Coordinator. The permit holder would then have the right to appeal the decision of the Public Utilities Director to the Board of Commissioners. After ruling by the Board of Commissioners, all subsequent appeals would be through the court system.

Staff recommends adoption of the proposed ordinance changes.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
CAPITAL PROJECT/GRANT ORDINANCE REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
PRE-AUDIT CERTIFICATION REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
REVIEWED BY DIRECTOR OF FISCAL OPERATIONS	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

CONTRACTS/AGREEMENTS:

REVIEWED BY COUNTY ATTORNEY: ☐ YES ☐ NO ☐ N/A

ADVISORY BOARD RECOMMENDATION:

COUNTY MANAGER'S RECOMMENDATION:

Conduct Public Hearing and Approve Sewer Use Ordinance Amendments.

ATTACHMENTS:

1. Pretreatment Review of Draft Sewer Use Ordinance
2. Copy of Proposed Sewer Use Ordinance
3. _____

ACTION OF THE BOARD OF COMMISSIONERS

APPROVED:

☐

ATTEST:

CLERK TO THE BOARD

DENIED:

☐

DEFERRED

UNTIL:

SIGNATURE

OTHER:



005

North Carolina Department of Environment and Natural Resources

Division of Water Quality

Pat McCrory
Governor

Charles Wakild, P.E.
Director

John E. Skvarla, III
Secretary

February 21, 2013

Via Electronic Mail (bblanton@brunsko.net)

Brian Blanton
Pretreatment Coordinator
Brunswick County
PO Box 249
Bolivia, NC 28422

Subject: Pretreatment Review of Sewer Use Ordinance (SUO)
Brunswick County
NPDES Number: NC0086819

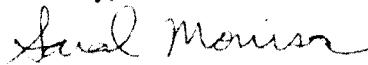
Dear Mr. Blanton:

The Pretreatment, Emergency Response and Collection Systems (PERCS) Unit of the Division of Water Quality has reviewed the draft Sewer Use Ordinance (SUO) submitted by Brunswick County. This submission was originally received by the Division on January 22, 2013. Additional information was requested and was received on February 15, 2013.

The review indicates that the additional information received resolves the concerns in our February 11, 2013 email and that overall the **draft SUO is adequate** and the minimum requirements of 15A NCAC 2H .0900 and 40 CFR 403 are met. As the SUO is adopted by the local governing body, please submit a clean copy of the ordinance to PERCS as well as the documentation of adoption and an attorney's statement.

If you have any questions or comments, please contact Sarah Morrison at (919) 807-6310 [email: Sarah.Morrison@ncdenr.gov] or Deborah Gore, Unit Supervisor at 807-6383 [email: Deborah.Gore@ncdenr.gov]. Thank you for your continued support of the Pretreatment Program.

Sincerely,


for Charles Wakild, P.E.

sm/Brunswick.suo.003

cc: Central Files
Sarah Morrison, PERCS Unit
Tom Tharrington, WiRO (via email)



POLICY NO. 94004
ADOPTION DATE: 11/21/94
REVISION NO. 005
REVISION DATE: 1/18/2013

**COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT**

WASTEWATER TREATMENT/PRETREATMENT

Sewer Use Ordinance (SUO)

SUO
TABLE OF CONTENTS

ARTICLE I - WASTEWATER DISCHARGE REQUIREMENTS

	Page #
SECTION 1 - GENERAL PROVISIONS	
1.1 Purpose and Policy	3
1.2 Definitions and Abbreviations	3
SECTION 2 - GENERAL SEWER USE REQUIREMENTS	
2.1 Prohibited Discharge Standards	10
2.2 National Categorical Pretreatment Standards	11
2.3 Local Limits	12
2.4 State Requirements	12
2.5 Right of Revision	12
2.6 Dilution	12
2.7 Pretreatment of Wastewater	12
2.8 Accidental Discharge/Slug Control Plans	13
2.9 Hauled Wastewater	13
SECTION 3 - FEES	
3.1 Purpose	14
3.2 User Charges	14
3.3 Surcharges	14
3.4 Pretreatment Program Administration Charges	15
SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE	
4.1 Wastewater Dischargers	15
4.2 Wastewater Permits	15
SECTION 5 - REPORTING REQUIREMENTS	
5.1 Baseline Monitoring Reports	20
5.2 Compliance Schedule Progress Reports	21
5.3 Reports on Compliance with Categorical Pretreatment Standard, Deadline	21
5.4 Periodic Compliance Reports	21
5.5 Reports of Changed Conditions	21
5.6 Reports of Potential Problems	22
5.7 Reports from Unpermitted Users	22
5.8 Notice of Violation/Repeat Sampling and Reporting	22
5.9 Notification of the Discharge of Hazardous Waste	23
5.10 Analytical Requirements	23
5.11 Grab and Composite Sample Collection	24
5.12 Timing	24
5.13 Record Keeping	24
5.14 Electronic Reporting	24
SECTION 6 - COMPLIANCE MONITORING	
6.1 Monitoring Facilities	24
6.2 Inspection and Sampling	25
6.3 Search Warrants	25
SECTION 7 - CONFIDENTIAL INFORMATION	
SECTION 8 - ENFORCEMENT	
8.1 Administrative Remedies	26
8.2 Civil Penalties	27
8.3 Other Available Remedies	28
8.4 Remedies Nonexclusive	28
SECTION 9 - ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE	
SECTION 10 - ADJUDICATORY HEARINGS	

SECTION 11- AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

11.1	Upset	29
11.2	Prohibited Discharge Standards Defense	29
11.3	Bypass	30

SECTION 12- SEVERABILITY

SECTION 13- CONFLICT

SECTION 14- EFFECTIVE DATE

ARTICLE II - CONNECTION FEES, POLICIES, REQUIREMENTS

	Page #
SECTION 1 - GENERAL PROVISIONS	
1.1 Administrative Authority	32
1.2 Intent of Regulation of Sewer Use	32
1.3 Applicability of Sewer Use Provisions	32
1.4 Special Agreements	32
SECTION 2 - USE OF PUBLIC SEWERS	
2.1 Requirement of Sewer Use	32
2.2 Prohibition of Septic Tanks, Privies	33
2.3 Discharge of Natural Outlets	33
2.4 Unsanitary Methods of Discharge	34
SECTION 3 - CONNECTIONS AND SERVICE LINES	
3.1 Connection Required – Proximity to County Utility Line	34
3.2 Connection Fees	34
3.3 Separate Connections Required	34
3.4 Methods of Sewer Connection	34
3.5 New Systems and Connections	34
3.6 Elevation of Sewer Connection	36
3.7 Backwater (Backflow) Device Requirement	36
3.8 Prohibited Connections	36
3.9 Service Line Construction – Public Hazard	36
3.10 Preliminary Treatment Devices	36
3.11 Unapproved Connections Prohibited	37
3.12 Connection to County Water System	37
SECTION 4 - REQUIRED CONNECTION	
4.1 Procedure	37
4.2 Sewer Construction Requirements	42
4.3 Acceptance Procedures for All Sewer Systems	43
4.4 Additional Acceptance Procedures for Sewer Extensions	45
4.5 Obtaining Building Permit Prior to Certification	46
SECTION 5 - FEE SCHEDULE	
5.1 Purpose	46
5.2 User Charges	46
5.3 Surcharges	47
5.4 Billing Procedures	47
5.5 One-Time Sewer Charges	48
5.6 Basic User Charges	49
5.7 Extra-Strength Wastewater Surcharges	49
5.8 Specific Fees	49
5.9 Pretreatment Program Administration Charges	50

ARTICLE I - WASTEWATER DISCHARGE REQUIREMENTS

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the **County of Brunswick**, hereafter referred to as the County and enables the County to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §1251 *et seq.*) and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this Ordinance are:

- (a) To prevent the introduction of pollutants and wastewater discharges into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants and wastewater discharges into the municipal wastewater system which will pass through the system, inadequately treated, into any waters of the State or otherwise be incompatible with the system;
- (c) To promote reuse and recycling of industrial wastewater and sludges from the municipal system;
- (d) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
- (e) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and
- (f) To ensure that the municipality complies with its NPDES or Non-discharge Permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the municipal wastewater system is subject.

This Ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Ordinance shall apply to all users of the municipal wastewater system, as authorized by N.C.G.S. 160A-312 and/or 153A-275. The County shall designate an administrator of the POTW or Publicly Owned Treatment Works and pretreatment program hereafter referred to as the POTW Director. Except as otherwise provided herein, the POTW Director shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or imposed upon the POTW Director may be delegated by the POTW Director to other County personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the County limits agree to comply with the terms and conditions established in this Ordinance, as well as any permits, enforcement actions, or orders issued hereunder. This includes all Industrial Users discharging in the wastewater collection system owned by any satellite POTW.

1.2 Definitions And Abbreviations

- (a) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:
 - (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251, *et seq.*
 - (2) Approval Authority. The Director of the Division Of Water Quality of the North Carolina Department of Environment and Natural Resources or his designee.
 - (3) Authorized Representative of the Industrial User.
 - (i) If the industrial user is a corporation, authorized representative shall mean:
 - (A) the president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

- (B) the manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment RECOMMENDATIONS, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (ii) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.
 - (iii) If the industrial user is a Federal, State, or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (iv) The individuals described in paragraphs i-iii above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the County.
 - (v) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to POTW Director prior to or together with any reports to be signed by an authorized representative.
- (4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g. mg/l).
 - (5) Building Sewer. A sewer conveying wastewater from the premises of a user to the POTW.
 - (6) Bypass. The intentional diversion of waste streams from any portion of a user's treatment facility.
 - (7) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
 - (8) Control Authority. Refers to the POTW Organization if the POTW Organization's Pretreatment Program approval has not been withdrawn.
 - (9) Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
 - (10) Grab Sample. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.
 - (11) Holding Tank Waste. Any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
 - (12) Indirect Discharge or Discharge. The discharge or the introduction from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
 - (13) Industrial User or User. Any person which is a source of indirect discharge.
 - (14) Interference. The inhibition, or disruption of the POTW collection system treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the Control Authority's NPDES collection system or Non-discharge Permit or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33

U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA)(42 U.S.C. §6901, *et seq.*), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

- (15) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (16) National Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- (17) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this Ordinance and are developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- (18) New Source.
 - (i) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with Section 307(c), provided that:
 - (A) the building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (B) the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (C) the production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - (ii) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (i)(B) or (C) above but otherwise alters, replaces, or adds to existing process or production equipment.
 - (iii) For purposes of this definition, construction of a new source has commenced if the owner or operator has:
 - (A) Begun, or caused to begin, as part of a continuous on-site construction program:
 - 1. Any placement, assembly, or installation of facilities or equipment; or
 - 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.
- (19) Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

- (20) National Pollution Discharge Elimination System, or NPDES, Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. §1342), or pursuant to N.C.G.S. 143-215.1 by the State under delegation from EPA.
- (21) Non-discharge Permit. A permit issued by the State pursuant to G.S. 143.215.1 (d) for a waste which is not discharged directly to surface waters of the State or for a wastewater treatment works which does not discharge directly to surface waters of the State.
- (22) Pass Through. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the Control Authority's (and/or the POTW's, if different from the Control Authority) NPDES collection system or Non-discharge Permit, or a downstream water quality standard even if not included in the permit.
- (23) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, and local government entities.
- (24) pH. A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (25) Pollutant. Any "waste" as defined in N.C.G.S. 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, metals, BOD, COD, toxicity, and odor).
- (26) POTW Director. The Brunswick County Public Utilities Director is designated with the responsibility for the pretreatment program and enforcement of this Sewer Use Ordinance.
- (27) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- (28) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (29) Pretreatment Program. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the County in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by N.C.G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.
- (30) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.
- (31) Pretreatment Standards. Prohibited discharge standards, categorical standards, and local limits.
- (32) Publicly Owned Treatment Works (POTW) or Municipal Wastewater System. A treatment works as defined by Section 212 of the Act, (33 U.S.C. §1292) which is owned in this instance by the County. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the County who are, by contract or agreement with the County, or in any other way, users of the POTW of the County.

- (33) **Severe Property Damage.** Substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (34) **Significant Industrial User or SIU.** Any industrial user that discharges wastewater into a Publicly Owned Treatment Works and that:
- (A.) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater; or
 - (B.) contributes more than 5% of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge, or
 - (C.) is required to meet a National categorical pretreatment standard, or
 - (D.) is found by the County, the Division Of Water Quality or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.
 - (E.) Subject to Division approval under 15A NCAC 02H .0907 (b), the Control Authority may determine that an Industrial User meeting the criteria in paragraphs (A) and (B) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, [or for contributing to violations of the POTW's receiving stream standard,] or for limiting the POTW's sludge disposal options, and thus is not a Significant Industrial User.
 - (F.) Subject to Division approval under 15A NCAC 02H .0907 (b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (C) above meets the requirements of 40 CFR Part 403.3 (v)(2) and thus is a Non-Significant Categorical Industrial User.
 - (G.) Subject to division approval under 15A NCAC 02H.0907 (b), the Control Authority may determine that an Industrial User meeting the criteria in paragraph (C) above meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a Middle Tier Significant Industrial User. Sampling and inspection requirements may be cut in half as per 40 CFR Parts 403.8 (f)(2)(v)(C) and 403.12(e)(3).
- (35) **Significant Noncompliance or SNC** is the status of noncompliance of a Significant Industrial User when one or more of the following criteria are met. Additionally, any Industrial User which meets the criteria in subparagraph (A) (35), Parts (C), (D), or (H) shall also be SNC.
- A. Chronic violation of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3 (1);
 - B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3 (1) multiplied by the applicable TRC; (TRC=1.4 for BOD, TSS, fats, oil, and grease, 1.2 for all other pollutants except flow and pH);
 - C. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR Part 403.3 (1) (daily maximum, long term average, instantaneous limit, or narrative standard) that the Control Authority and/or POTW determines has caused, alone or in combination with other discharges, interference, or pass through (including endangering the health of POTW personnel or the general public);

- D. Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health/welfare or to the environment or has resulted in either the Control Authority's or the POTW's, if different from the Control Authority, exercise of its emergency authority under 40 CFR Part 403.8 (f) (1) (vi)(B) and Section 8.1 (e) of this SUO to halt or prevent such a discharge.
 - E. Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.
 - F. Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, ninety-day (90) compliance reports, and periodic compliance reports within thirty (30) days from the due date.
 - G. Failure to accurately report noncompliance.
 - H. Any other violation or group of violations that the control authority considers to be significant.
- (36) Slug Load or Discharge. Any discharge at a flow rate or concentration which has a reasonable potential to cause Interference or Pass-Through, or in any other way violates the POTW's regulations, local limits, or Industrial User Permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in Section 2.1 of this Ordinance.
 - (37) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.
 - (38) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
 - (39) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
 - (40) Upset. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities lack of preventive maintenance, or careless or improper operation.
 - (41) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.
 - (42) Wastewater Permit. As set forth in Section 4.2 of this Ordinance.
 - (43) Waters of the State. All streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (b) This Ordinance is gender neutral and the masculine gender shall include the feminine and vice-versa.
 - (c) Shall is mandatory; may is permissive or discretionary.
 - (d) The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.
 - (e) The following abbreviations when used in this Ordinance, shall have the designated meanings:

(1)	BOD	Biochemical Oxygen Demand
(2)	CFR	Code of Federal Regulations
(3)	COD	Chemical Oxygen Demand

(4)	EPA	Environmental Protection Agency
(5)	gpd	Gallons per day
(6)	l	Liter
(7)	mg	Milligrams
(8)	mg/l	Milligrams per liter
(9)	N.C.G.S.	North Carolina General Statutes
(10)	NPDES	National Pollution Discharge Elimination System
(11)	O & M	Operation and Maintenance
(12)	POTW	Publicly Owned Treatment Works
(13)	RCRA	Resource Conservation and Recovery Act
(14)	SIC	Standard Industrial Classification
(15)	SWDA	Solid Waste Disposal Act
(16)	TSS	Total Suspended Solids
(17)	TKN	Total Kjeldahl Nitrogen
(18)	U.S.C	United States Code.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

076

2.1 Prohibited Discharge Standards

- (a) General Prohibitions. No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any National, State, or local pretreatment standards or requirements.
- (b) Specific Prohibitions. No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:
 - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
 - (2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one half inch (1/2") in any dimension.
 - (3) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 - (4) Any wastewater having a pH less than 5.0 or more than 12.0 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.
 - (5) Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
 - (6) Any wastewater having a temperature greater than 150° F (66° C), or which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).
 - (7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW Director in accordance with Section 2.9 of this Ordinance.
 - (9) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
 - (10) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
 - (11) Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.
 - (12) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW Director in compliance with applicable State or Federal regulations.
 - (13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW Director.

- (14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l unless authorized by the POTW Director.
- (15) Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- (16) Any medical wastes, except as specifically authorized by the POTW Director in a wastewater discharge permit.
- (17) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
- (18) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the POTW Director.
- (19) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200.
- (20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (21) Recognizable portions of the human or animal anatomy.
- (22) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.
- (23) At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.

Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

When the POTW Director determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass through, the POTW Director shall:

- 1) advise the user(s) of the potential impact of the contribution on the POTW in accordance with Section 8.1; and
- 2) take appropriate actions in accordance with Section 4 for such user to protect the POTW from interference or pass through.

2.2. National Categorical Pretreatment Standards

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein.

- (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the POTW Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW Director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- (c) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (d) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

2.3 Local Limits

An industrial waste survey is required prior to a User discharging wastewater containing in excess of the following average discharge limits.

BOD	250	mg/l	
TSS	250	mg/l	
NH ₃	25	mg/l	
Arsenic	0.003	mg/l	
Cadmium	0.003	mg/l	
Chromium	0.05	mg/l	(total chromium)
Copper	0.061	mg/l	
Cyanide	0.015	mg/l	
Lead	0.049	mg/l	
Mercury	0.0003	mg/l	
Nickel	0.021	mg/l	
Oil & Grease	100	mg/l	
Silver	0.005	mg/l	
Zinc	0.175	mg/l	

Industrial Waste Survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading are not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. The POTW Director may impose mass based limits in addition to, or in place of concentration based limits.

2.4 State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.

2.5 Right of Revision

The County reserves the right to establish limitations and requirements which are more stringent than those required by either State or Federal regulation if deemed necessary to comply with the objectives presented in Section 1.1 of this Ordinance or the general and specific prohibitions in Section 2.1 of this Ordinance, as is allowed by 40 CFR 403.4.

2.6 Dilution

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by the County or State.

2.7 Pretreatment of Wastewater

(a) Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and wastewater permits issued under Section 4.2 of this Ordinance and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this Ordinance within the time limitations as specified by EPA, the State, or the POTW Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the County for review, and shall be approved by the POTW Director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the County under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW Director prior to the user's initiation of the changes.

(b) **Additional Pretreatment Measures**

1. Whenever deemed necessary, the POTW Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.
2. The POTW Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
3. Grease, oil, and sand interceptors shall be provided when, in the opinion of the POTW Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the POTW Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

2.8 Accidental Discharge/Slug Control Plans

(a) At least once every two (2) years, the POTW Director shall evaluate whether each significant industrial user needs a plan to control and prevent slug discharges and accidental discharges as defined in Section 1.2(a)(36). All SIUs must be evaluated within one year of being designated an SIU. The POTW Director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the POTW Director may develop such a plan for any user.

(b) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load. Also see Sections 5.5 and 5.6.

(c) An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW Director of any accidental or slug discharge, as required by Section 5.6 of this Ordinance; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

2.9 Hauled Wastewater

- (a) Septic tank waste may be introduced into the POTW only at locations designated by the POTW Director, and at such times as are established by the POTW Director. Such waste shall not violate Section 2 of this Ordinance or any other requirements established by the County. The POTW Director may require septic tank waste haulers to obtain wastewater discharge permits.
- (b) The POTW Director shall require haulers of industrial waste to obtain wastewater discharge permits. The POTW Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The POTW Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.

- 030
- (c) Industrial waste haulers may discharge loads only at locations designated by the POTW Director. No load may be discharged without prior consent of the POTW Director. The POTW Director may collect samples of each hauled load to ensure compliance with applicable standards. The POTW Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
 - (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 3 - FEES

3.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from users of the wastewater disposal system of the County for the implementation of the program established herein. The applicable charges or fees shall be set forth in a schedule of sewer use charges and fees by the POTW Director and approved by the County Board of Commissioners. A copy of these charges and fees will be made available from the POTW Director.

3.2 User Charges

A user charge shall be levied on all users including, but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the POTW.

- (a) The user charge shall reflect, at least, the cost of debt service, operation and maintenance (including replacement) of the POTW.
- (b) Each user shall pay its proportionate cost based on volume of flow.
- (c) The Manager of the County shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW and will make recommendations to the Council or Board serving the County for adjustments in the schedule of charges and fees as necessary.
- (d) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.

3.3 Surcharges: The amount of the surcharges will be based upon the volume of flow and the character and concentration of the constituents of the wastewater:

- (a) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:
 - (1) Metered water consumption as shown in the records of meter readings maintained by the County; or
 - (2) If required by the County or at the individual dischargers option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the County. The metering system shall be installed and maintained at the users expense according to arrangements that may be made with the County.
 - (3) Where any user procures all or part of his water supply from sources other than the County, the user shall install and maintain at his own expense a flow measuring device of a type approved by the County.
- (b) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the County. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136.

- (c) The determination of the character and concentration of the constituents of the wastewater discharge by the POTW Director or his duly appointed representatives shall be binding as a basis for charges.

3.4 Pretreatment Program Administration Charges

The schedule of charges and fees adopted by the County may include charges and fees for:

- (a) reimbursement of costs of setting up and operating the Pretreatment Program;
- (b) monitoring, inspections and surveillance procedures;
- (c) reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- (d) permitting;
- (e) other fees as the County may deem necessary to carry out the requirements of the Pretreatment Program.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

4.1 Wastewater Dischargers

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the County. When requested by the POTW Director, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The POTW Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 Wastewater Permits

All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the POTW Director to be significant industrial users shall obtain a significant industrial user permit within one hundred eighty (180) days of receiving notification of the POTW Director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the POTW Director be required to obtain a wastewater discharge permit for non-significant industrial users.

- (a) **Significant Industrial User Determination**
All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the POTW Director a significant industrial user determination. If the POTW Director determines or suspects that the proposed discharge fits the significant industrial user criteria he will require that a significant industrial user permit application be filed.
- (b) **Significant Industrial User Permit Application**
Users required to obtain a significant industrial user permit shall complete and file with the County, an application in the form prescribed by the POTW Director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within ninety (90) days after notification of the POTW Director's determination in 4.2(a) above. The application shall include at a minimum:
 - (A) Name of Industrial User;
 - (B) Address of Industrial User;
 - (C) Standard Industrial Classification (SIC) code (s) or expected classification and industrial user category;
 - (D) wastewater flow;
 - (E) types and concentrations (or mass) of pollutants contained in the discharge;

- (F) major products manufactured or services supplied;
 - (G) description of existing on-site pretreatment facilities and practices;
 - (H) locations of discharge points;
 - (I) raw materials used or stored at the site;
 - (J) flow diagram or sewer map for the industrial user;
 - (K) number of employees;
 - (L) operation and production schedules; and
 - (M) description of current and projected waste reduction activities in accordance with G.S. 143-215.1 (g).
- (c) **Application Signatories and Certification**
 All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the Control Authority and/or Municipality as defined in Section 1.2(a)(3) and contain the following certification statement:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- (d) **Application Review And Evaluation**
 The POTW Director will evaluate the data furnished by the user and may require additional information.
- (1) The POTW Director is authorized to accept applications for the County and shall refer all applications to the POTW staff for review and evaluation.
 - (2) Within thirty (30) days of receipt the POTW Director shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.
- (e) **Tentative Determination and Draft Permit**
- (1) The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.
 - (2) If the staff's tentative determination in Paragraph (1) above is to issue the permit, the following additional determinations shall be made in writing:
 - (i) proposed discharge limitations for those pollutants proposed to be limited;
 - (ii) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 - (iii) a brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
 - (3) The staff shall organize the determinations made pursuant to Paragraphs (1) and (2) above and the general permit conditions of the County into a significant industrial user permit.
- (f) **Permit supporting documentation.** The Control Authority staff shall prepare the following documents for all Significant Industrial User permits.
- (1) An allocation table (AT) listing permit information for all Significant Industrial Users, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with Division approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved by the Division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.

- (2) The basis, or rationale for the pretreatment limitations, including the following:
 - (A) documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
 - (B) documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR Part 403.12 (e)(2).
- (g) Final Action On Significant Industrial User Permit Applications
 - (1) The POTW Director shall take final action on all applications not later than ninety (90) days following receipt of a complete application.
 - (2) The POTW Director is authorized to:
 - (i) issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this Ordinance and N.C.G.S. 143-215.1;
 - (ii) issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - (iii) modify any permit upon not less than sixty (60) days notice and pursuant to Section 4.2(i) of this Ordinance;
 - (iv) revoke any permit pursuant to Section 8.1 of this Ordinance;
 - (v) suspend a permit pursuant to Section 8.1 of this Ordinance;
 - (vi) deny a permit application when in the opinion of the POTW Director such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.
- (h) Hearings: The local government may conduct hearings in accordance with its regular hearing procedure.
 - (1) Initial Adjudicatory Hearing. An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under Section 8.2, or one issued an administrative order under Section 8.1 shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW Director upon making written demand, identifying the specific issues to be contested, to the POTW Director within thirty (30) days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty, or order within forty-five (45) days of the receipt of the written demand for a hearing. The POTW Director shall transmit a copy of the hearing officer's decision by registered or certified mail.
 - (i) New Permits. Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - (ii) Renewed Permits. Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 - (2) Final Appeal Hearing. Any decision of a hearing officer made as a result of an adjudicatory hearing held under Section 4.2(h)(1) above may be appealed, to the Commissioners serving the County upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this Subdivision shall be conducted in accordance with local hearing procedures. Failure to make written demand within the time specified herein shall bar further appeal. The Commissioners serving the County shall make a final decision on the appeal within ninety (90) days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

- (3) Official record. When a final decision is issued under Section 4.2(h)(2) above, Commissioners serving the County shall prepare an official record of the case that includes:
 - (i) All notices, motions, and other like pleadings;
 - (ii) A copy of all documentary evidence introduced;
 - (iii) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.
 - (iv) A copy of the final decision of the Commissioners serving the County .
 - (4) Judicial Review. Any person against whom a final order or decision of the Commissioners serving the County is entered, pursuant to the hearing conducted under Section 4.2(h)(2) above, may seek judicial review of the order or decision by filing a written petition within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Brunswick County along with a copy to the County. Within thirty (30) days after receipt of the copy of the petition of judicial review, the Commissioners serving the County shall transmit to the reviewing court the original or a certified copy of the official record.
- (i) Permit Modification
- (1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance
 - (i) changes in the ownership of the discharge when no other change in the permit is indicated,
 - (ii) a single modification of any compliance schedule not in excess of four (4) months,
 - (iii) modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.
 - (2) Within nine (9) months of the promulgation of a National categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by Section 4.2(b), the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable National categorical pretreatment standard.
 - (3) A request for a modification by the permittee shall constitute a waiver of the sixty-day (60) notice required by G.S. 143-215.1(b) for modifications.
- (j) Permit Conditions
- (1) The POTW Director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this Ordinance and N.C.G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:
 - (i) a statement of duration (in no case more than five years);
 - (ii) a statement of non-transferability;
 - (iii) applicable effluent limits based on categorical standards or local limits or both;
 - (iv) applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
 - (v) requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in Section 1.2(a)(36);
 - (vi) requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in Section 1.2(a)(36), if determined by the POTW Director to be necessary for the User and,

- (vii) requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in 1.2(a)(36). Also see Sections 5.5 and 5.6;
 - (viii) a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
- (2) In addition, permits may contain, but are not limited to, the following:
- (i) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
 - (ii) Limits on the instantaneous, daily, and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 - (iii) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 - (iv) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
 - (v) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 - (vi) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
 - (vii) Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).
 - (viii) Compliance schedules for meeting pretreatment standards and requirements.
 - (ix) Requirements for submission of periodic self-monitoring or special notification reports.
 - (x) Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in Section 5.13 and affording the POTW Director, or his representatives, access thereto.
 - (xi) Requirements for prior notification and approval by the POTW Director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
 - (xii) Requirements for the prior notification and approval by the POTW Director of any change in the manufacturing and/or pretreatment process used by the permittee.
 - (xiii) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the terms of the permit.
- (k) **Permit Duration**
Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
- (l) **Permit Transfer**
Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- (m) **Permit Reissuance**
A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with Section 4.2 a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.

SECTION 5 - REPORTING REQUIREMENTS

5.1 Baseline Monitoring Reports

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to

discharge to the POTW shall submit to the POTW Director a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW Director a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (b) Users described above shall submit the information set forth below.
- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - (5) Measurement of Pollutants.
 - (i) The categorical pretreatment standards applicable to each regulated process.
 - (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 5.10 of this Ordinance.
 - (iii) Sampling must be performed in accordance with procedures set out in Section 5.11 of this Ordinance and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).
 - (6) Certification. A statement, reviewed by the user's current authorized representative as defined in Section 1.2(a)(3) and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 5.2 of this Ordinance.
 - (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.2(c) of this Ordinance.

5.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 5.1(b)(7) of this Ordinance:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed nine (9) months;
- (c) The user shall submit a progress report to the POTW Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum,

whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

- (d) In no event shall more than nine (9) months elapse between such progress reports to the POTW Director.

5.3 Reports on Compliance with Categorical Pretreatment Standard, Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW Director a report containing the information described in Section 5.1(b)(4-6) of this Ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.2(c) of this Ordinance.

5.4 Periodic Compliance Reports

Municipalities may sample and analyze user discharges in lieu of requiring the users to conduct sampling and analysis.

- (a) All significant industrial users shall, at a frequency determined by the POTW Director but in no case less than once every six (6) months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in Section 5.10 and 5.11 of this Ordinance. All periodic compliance reports must be signed and certified in accordance with Section 4.2(c) of this Ordinance.
- (b) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW Director, using the procedures prescribed in Section 5.10 and 5.11 of this Ordinance, the results of this monitoring shall be included in the report.

5.5 Reports of Changed Conditions

Each user must notify the POTW Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change. The Permittee shall not begin the changes until receiving written approval from the Control Authority and/or municipality. See Section 5.6(d) for other reporting requirements.

- (a) The POTW Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.2 of this Ordinance.
- (b) The POTW Director may issue a wastewater discharge permit under Section 4.2 of this Ordinance or modify an existing wastewater discharge permit under Section 4.2 of this Ordinance in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants. [increases or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to the Control Authority and/or municipality; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.

5.6 Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in Section 1.2(a)(36), that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW Director of the incident. This notification shall include the

location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

- (b) Within five (5) days following such discharge, the user shall, unless waived by the POTW Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.
- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in Section 1.2(a)(36).

5.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW Director as the POTW Director may require. All users classified as Non-Significant Categorical Industrial Users under Section [1.2(a) (34) (F)] shall provide appropriate reports to the [POTW Director] as the [POTW Director] may require. At a minimum, this shall include the Annual Certification of continuing to meet the Non-Significant Categorical Industrial User criteria as required under 40 CFR 403.12(q).

5.8 Notice of Violation/Repeat Sampling and Reporting

- (a) If sampling performed by a user indicates a violation, the user must notify the POTW Director within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW Director within thirty (30) days after becoming aware of the violation. If allowed by the POTW Director, the user is not required to resample:
 - (i) if the POTW Director monitors at the user's facility at least once a month; or
 - (ii) if the POTW Director samples between the user's initial sampling and when the user receives the results of this sampling.
- (b) If the POTW Director has performed the sampling and analysis in lieu of the Industrial User and the POTW sampling of the user indicates a violation, the POTW Director shall repeat the sampling and obtain the results of the repeat analysis within thirty (30) days after becoming aware of the violations, unless one of the following occurs:
 - (i) the POTW Director monitors at the user's facility at least once a month; or
 - (ii) the POTW Director samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or
 - (iii) the POTW Director requires the user to perform sampling and submit the results to the POTW Director within the 30 (thirty) day deadline of the POTW becoming aware of the violation.

5.9 Notification of the Discharge of Hazardous Waste

The County prohibits the discharge of any hazardous wastes without notification and approval of the POTW Director.

- (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type

of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under Section 5.5 of this Ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 5.1, 5.3, and 5.4 of this Ordinance.

- (b) Dischargers are exempt from the requirements of paragraph (a), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulation under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable Federal or State law.

5.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

5.11 Grab and Composite Sample Collection

- (a) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (b) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the User's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and ninety (90) Day Compliance Reports. Additionally, the POTW Director may allow collection of multiple grabs during a 24 hour period which are composited prior to analysis as allowed under 40 CFR 136.
- (c) Composite Samples: All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW Director. When

authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

5.12 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

5.13 Record Keeping

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the County, or where the user has been specifically notified of a longer retention period by the POTW Director.

5.14 Electronic Reporting

The POTW Director may develop procedures for receipt of electronic reports for any reporting requirements of this Ordinance. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under Section 8 of this Ordinance.

SECTION 6 - COMPLIANCE MONITORING

6.1 Monitoring Facilities

The County requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the County may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the requirements of the County and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the County.

6.2 Inspection and Sampling

The County will inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the County, approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The County, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the County, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the County's approval authority's, or EPA's access to the user's premises shall be a violation of this Ordinance. Unreasonable delays may constitute denial of access.

6.3 Search Warrants

If the County, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the County designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the County Director, approval authority, or EPA may seek issuance of a search warrant from the court having jurisdiction within the County.

SECTION 7 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, Non-discharge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the approval authority and EPA upon request.

SECTION 8 - ENFORCEMENT

8.1 Administrative Remedies

(a) Notification Of Violation

Whenever the POTW Director finds that any industrial user has violated or is violating this Ordinance, wastewater permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement the POTW Director may serve upon such a person a written notice stating the nature of the violation. Within thirty (30) days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the County by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(b) Consent Orders

The POTW Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to Section 8.1(d), below.

(c) Show Cause Hearing

The POTW Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this Ordinance or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the POTW Director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The POTW Director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under Section 8.2 nor is any action or inaction taken by the POTW Director under this section subject to an administrative appeal under Section 4.2(h).

(d) Administrative Orders

When the POTW Director finds that an industrial user has violated or continues to violate this Ordinance, permits or orders issued hereunder, or any other pretreatment requirement the POTW Director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

- (1) Immediately comply with all requirements;
- (2) Comply in accordance with a compliance time schedule set forth in the order;
- (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
- (4) Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

(e) Emergency Suspensions

The POTW Director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or Non-discharge permit.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within fifteen (15) days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW Director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW Director prior to the date of the above-described hearing.

(f) Termination of Permit or Permission to Discharge

The POTW Director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

- (1) Failure to accurately report the wastewater constituents and characteristics of his discharge;
- (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- (4) Violation of conditions of the permit or permission to discharge, conditions of this Ordinance, or any applicable State and Federal regulations.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under Section 8.1 of this Ordinance why the proposed action should not be taken.

8.2 Civil Penalties

- (a) Any user who is found to have failed to comply with any provision of this Ordinance, or the orders, rules, regulations and permits issued hereunder, may be fined up to twenty-five thousand dollars (\$25,000) per day per violation.
 - a. Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:
 - i. For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation, or
 - ii. In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this Ordinance, or the orders, rules, regulations and permits issued hereunder, only if the POTW Director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.
- (b) In determining the amount of the civil penalty, the POTW Director shall consider the following:
 - (i) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
 - (ii) The duration and gravity of the violation;
 - (iii) The effect on ground or surface water quantity or quality or on air quality;
 - (iv) The cost of rectifying the damage;
 - (v) The amount of money saved by noncompliance;
 - (vi) Whether the violation was committed willfully or intentionally;
 - (vii) The prior record of the violator in complying or failing to comply with the pretreatment program;
 - (viii) The costs of enforcement to the County.
- (c) Appeals of civil penalties assessed in accordance with this section shall be as provided in Section 4.2(h).

8.3 Other Available Remedies

Remedies, in addition to those previously mentioned in this Ordinance, are available to the POTW Director who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

- (a) Criminal Violations.

The District Attorney for the applicable Judicial District may, at the request of the County, prosecute noncompliant users who violate the provisions of N.C.G.S. 143-215.6B. Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(f), to knowingly and willfully violate any term, condition, or

requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. 143-215.6B(i)).

- (b) **Injunctive Relief**
Whenever a user is in violation of the provisions of this Ordinance or an order or permit issued hereunder, the POTW Director, through the City Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.
- (c) **Water Supply Severance**
Whenever an industrial user is in violation of the provisions of this Ordinance or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.
- (d) **Public Nuisances**
Any violation of the prohibitions or effluent limitations of this Ordinance or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW Director. Any person(s) creating a public nuisance shall be subject to the provisions of the appropriate Ordinances of the County governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

8.4 Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive. The POTW Director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the County's enforcement response plan. However, the POTW Director may take other action against any user when the circumstances warrant. Further, the POTW Director is empowered to take more than one enforcement action against any noncompliant user.

SECTION 9 - ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

At least annually, the POTW Director shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance, in 15A NCAC 2H .0903(b)(34), with applicable pretreatment standards and requirements, during the previous twelve (12) months.

SECTION 10 - ADJUDICATORY HEARINGS

See Section 4.2 (h).

SECTION 11- AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

11.1 Upset

- (a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (b), below, are met.
- (b) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the POTW Director within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days:
 - (i) A description of the indirect discharge and cause of noncompliance;

- (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (d) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (e) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

11.2 Prohibited Discharge Standards Defense

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1 (a) of this Ordinance or the specific prohibitions in Sections 2.1(b)(2), (3), (5 - 7) and (9-23) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (a) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (b) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

11.3 Bypass

- (a) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (b) and (c) of this section.
- (b)
 - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW Director, at least ten (10) days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the POTW Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (c)
 - (1) Bypass is prohibited, and the POTW Director may take an enforcement action against a user for a bypass, unless
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment

should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

- (iii) The user submitted notices as required under paragraph (b) of this section.
- (2) The POTW Director may approve an anticipated bypass, after considering its adverse effects, if the POTW Director determines that it will meet the three conditions listed in paragraph (c)(1) of this section.

SECTION 12- SEVERABILITY

If any provision, paragraph, word, section, or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 13- CONFLICT

All other ordinances and parts of the ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 14- EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval, and publication, as provided by law.

ARTICLE II – CONNECTION FEES, POLICIES, AND REQUIREMENTS

SECTION 1 – GENERAL PROVISIONS

1.1 Administrative Authority

The Director of Engineering Services (DES) is assigned the responsibility of administering all provisions of this Ordinance as related to construction of new utility infrastructure and shall exercise these responsibilities in accordance with the purpose and intent of this Ordinance in a fair and objective manner. The Public Utilities Director (PUD) is assigned the responsibility of administering all provisions of this Ordinance as related to the operation and maintenance of the County's utility systems and shall exercise these responsibilities in accordance with the purpose and intent of this Ordinance in a fair and objective manner. Both may exercise discretion when necessary to administer the provisions of this Ordinance fairly and responsibly.

1.2 Intent of Regulation of Sewer Use

- a. It is intended that this Ordinance include provisions for prohibiting the discharge by any wastewater customer into a public sanitary sewer of substances that may endanger the public health and safety or of unpolluted waters that do not require treatment and therefore reduce the effectiveness of the biological operations of the treatment facilities.
- b. It is further understood that the biological and chemical operations that can be designed for wastewater treatment do, by their scientific nature, limit the types of constituents in wastewater treatment that may be treated by facilities constructed and maintained within a reasonable cost to the public. Consequently, the County's treatment facilities into which the County system discharges are designed for the primary purpose of treating domestic wastewater in sufficient manner to protect public health. Certain industrial wastewater constituents and portable toilet waste can be treated without interference at the wastewater facilities, but only in a limited quantity or concentration. To ensure that discharges of industrial wastewater and portable toilet wastes into the public sanitary sewer are within such quantity and concentration limits, reasonable and adequate regulations are provided in this Ordinance.

1.3 Applicability of Sewer Use Provisions

All public sanitary sewer users shall comply with all applicable provisions of this Ordinance and shall further comply with applicable Federal, State, and local laws, Ordinances, and regulations, including EPA/DWQ

pretreatment standards, which are at that time in effect. In the event of a conflict, the more stringent requirement or higher standard shall apply. Violations of this document shall be subject to penalties as provided throughout this Ordinance.

1.4 Special Agreements

No statement contained in this article shall be construed as preventing special agreement or special arrangement between the County and any customer or potential customer whereby an industrial waste of strength or character in excess of that defined as standard strength may be accepted by the County for treatment, subject to payment by the customer pursuant to the industrial waste treatment surcharge provisions of this article. However, no special agreement may be established except by authority of the Board of Commissioners, upon recommendation of the County Manager; and in no event shall any such agreement be entered into that would be in direct violation of any EPA/DWQ pretreatment standard.

SECTION 2 - USE OF PUBLIC SEWERS

2.1 Requirement of Sewer Use

- a. When the owner of a property under County jurisdiction, including an owner of a non-County sewer system, shall use such property in any manner that results in the generation of wastewater, such wastewater shall be discharged into a public sanitary sewer, subject to the provisions of Article I. The owner shall install at his expense a suitable building sewer or collecting sewer, as applicable, and shall install any other facilities necessary to connect the building sewer or collecting sewer to the public sewer at an access point provided by the County.
- b. Whenever a building sewer or collecting sewer connected to the public sanitary sewer becomes clogged, broken, out of order or detrimental to the use of the public sewer, the owner having charge of any building or premises through which the building sewer or collecting sewer collects wastewater shall, upon notification by the director, reconstruct, alter, clean, or repair the building sewer or collecting sewer as the condition of such may require within ten (10) days after receiving notification.
- c. The owner of real property shall, within six (6) months of date of notification, make application and connection to the public sanitary sewer in accordance with the provisions of this section and Section 4 of this Ordinance.

2.2. Prohibition of Septic Tanks, Privies

The construction or use of any facility other than the public sanitary sewer for the treatment and/or disposal of wastewater in the County shall be prohibited except when the facility is constructed and/or used under a condition set forth below:

- a. The construction and use of a septic tank, or similar facility as determined by the DES and/or PUD, or duly authorized representative, may be permitted when it has been determined that premises cannot, at the time the facility is considered, be connected to a public sanitary sewer, and that there is reasonable expectation that a septic tank can function effectively in compliance with the provisions of this section. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a septic tank permit from the County Health Department. The application for such permit shall be made on a form furnished by the Health Department, or duly authorized representative, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the County Health Department. A permit and inspection fee established by the County Health Department shall be paid at the time the application is filed. Approval for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the County Health Department. The County Health Department shall be allowed to inspect the work at any stage of construction. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the North Carolina Division of Health Services and the North Carolina Division of Water Quality, or equivalent. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities that do not comply with the *Laws and Rules for Ground Absorption Sewage Treatment and Disposal Systems, Section .1900 of*

the North Carolina Administrative Code, or equivalent. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the County.

- b. At such time, in the judgment of the DES and/or PUD, or duly authorized representative, the public sewer becomes available to property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within six (6) months. Unusual or special circumstances, as determined by the Director, may result in a waiver of this requirement by the County.
- c. A facility for the treatment and/or disposal of non-domestic wastewater will be permitted when approved by EPA/DWQ, prior to any wastewater discharge, under the regulations and procedures of EPA/DWQ.

2.3 Discharge to Natural Outlets

It shall be unlawful to discharge to any natural outlet, including storm sewers, within the County or in any area under the jurisdiction of the County any wastewater or other polluted waters or solids except where suitable treatment has been provided in accordance with requirements of EPA/DWQ.

2.4. Unsanitary Methods of Discharge

It shall be unlawful for any person to place or discharge or to permit to be deposited in any unsanitary manner on public or private property within the County or in any area under the jurisdiction of the County, any human or animal excrement, solid waste, or other materials which is or may become hazardous, toxic, or injurious to public health or safety other than by methods approved by the County Health Department and/or the NCDENR.

SECTION 3 - CONNECTIONS AND SERVICE LINES

As stated in Section 2.1, the intent of the County's sanitary sewer system is to require each generator of wastewater to discharge into a public sanitary sewer as soon as a sewer becomes available for connection.

3.1 Connection Required - Proximity to County Utility Line

Connection shall be required, as described below, and shall apply to all developed and/or improved properties being within **two hundred (200) feet** of the road right-of-way, as defined in the *Utility Policy (AP-98001)* in Section 3.C, containing a water line or sewer collection line owned and/or operated by the County, and shall be provided for each and every single-family residential dwelling meeting the criteria described below, individually and separately (one connection for each single-family residential dwelling), unless applicable exceptions apply as described by this Ordinance.

3.2. Connection Fees

All costs and expenses incident to the installation of facilities to connect a privately owned service line to the public sanitary sewer at the property line shall be borne by the owner through sewer service connection fees, including but not limited to, tap fee, capital recovery fee, capacity fee levied by the County. Sewer service connection fees shall be paid upon application for connection to the public sanitary sewer or as specified in Section 5 of this Ordinance.

3.3. Separate Connections Required

A separate and independent service line shall be provided for every building; an exception, as described in Section 3.5.c, may be granted where one building stands at the rear of the same lot and it is not economically feasible for the County to construct a public sewer and access point to the rear of the building through an adjoining alley, court, yard, driveway or other access. In such event, the service line may be extended to the rear building and the whole considered as one (1) service line. However, separate wastewater service fees shall be charged to each building.

3.4. Methods of Sewer Connection

- a. All connections to the County sanitary sewer system shall be made in accordance with provisions and requirements of the plumbing code and the County's sewer construction standard specifications. All such connections shall be made at access points prescribed and provided by the County; the applicant

is responsible for constructing the service line(s) in a manner necessary to ensure connection at such access point.

- b. If any connection exists between a service line and public sanitary sewer at a point other than the access point prescribed and provided by the County, the County may serve a notice upon the owner immediately upon discovery. The owner shall be subject to the provisions of this section; and if service is disconnected, the owner may receive access to a public sanitary sewer only by applying for and paying all applicable connection fees.

3.5. New Systems and Connections

- a. New sewer connection applicants who discharge non-domestic waste shall be required to have an approved sampling point prior to connection.
- b. All connections for sewers on private property shall be inspected by the County's Building Inspections Department before the trench is backfilled, whether the pipes have been installed within the building or not. Sewer pipes or main drains are not to be raised, lowered, or otherwise changed except under the authorization of the Building Inspections Department.
- c. The plumbing system of each new building and of new work installed in any existing building on premises abutting a street in which there is a sanitary sewer shall be separate from and independent of that of any other buildings and every building shall have an independent connection with a sanitary sewer where available, except as provided below:
 - (1) Exception. When one (1) building stands in the rear of another building on a common interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole be considered as one (1) building sewer.
 - (a) Exception. A common sewer connection will be permitted to serve more than one (1) building in the following categories:
 - (1) Apartments;
 - (2) Townhouse developments;
 - (3) Condominium developments;
 - (4) Planned unit developments;
 - (5) Hotels, motels;
 - (6) Hospitals;
 - (7) Warehouses, industrial buildings engaged in only one (1) business,
 - (8) Schools;
 - (9) Mobile home parks;
 - (10) Shopping centers;
 - (11) Churches;
 - (12) Other buildings under common management.
 - (b) A common sewer connection, including a private sewer collection system, will be permitted to serve the above categories of buildings meeting the following minimum requirements:
 - (1) The building or buildings to be served are in compliance with the County's zoning and Subdivision Ordinances.

- (2) The building permit and plat show a single owner or several owners with a common management agreement and indicates that the complex of buildings will be constructed on a single tract.
- (3) All sewer construction with easements shall be in accordance with County, State, and Federal standards and specifications; and all other sewer construction shall be in accordance with the North Carolina plumbing code. Any construction that requires only cleanouts to be installed shall be performed by a North Carolina licensed master plumber or a North Carolina licensed utility contractor. All construction requiring manholes shall be performed by a North Carolina licensed utility contractor. The owner(s) or management of such complexes shall remain the owner of said private sanitary sewer systems and be responsible for the operation and maintenance.
- (4) Should a building within such a complex be conveyed to a new owner without a common management contract, the County shall require a sewer connection from that building(s) to the County's sewer main.

3.6 Elevation of Sewer Connection

All service lines shall be brought to the building at an elevation below the lowest floor level having sanitary facilities or in conformance with the plumbing code, whichever is more stringent. In all buildings in which any building drain is below a point which will permit a minimum average slope of the service line of at least one (1) foot per fifty (50) feet, wastewater carried by such building sewer shall be lifted by pumping units or other approved means and discharged through a service line having that minimum average slope. Costs of the pumping units, piping, operation, maintenance, and power shall be borne by the owner.

3.7 Backwater (Backflow) Device Requirement

All plumbing fixtures or outlets connected to sanitary sewer that are located below the level of the top of the first upstream manhole shall be equipped with an approved backwater device, or building sewer shall be so equipped.

3.8 Prohibited Connections

- a. No connections that will allow inflow to enter the County's wastewater collection system shall be permitted. Such prohibited connections shall include but not be limited to the connection of roof downspouts, exterior foundation drains, or other sources of stormwater or groundwater to a service line that is connected directly or indirectly to a public sanitary sewer.
- b. If any connection exists between a service line and public sanitary sewer that allows inflow to enter to the County's wastewater collection system, the County may serve a notice upon the owner immediately upon discovery. The owner shall be subject to the provisions of this section; the owner shall be responsible for removing all such connections, at their own expense, according to County specifications and may be subject to penalty.

3.9 Service Line Construction - Public Hazard

All excavations for service line installation within the public rights-of-way shall be performed by County personnel or by a North Carolina licensed utility contractor and shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, plazas, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the County subject to the terms and conditions as specified by the County.

3.10 Preliminary Treatment Devices

Where preliminary treatment, pretreatment, flow-equalizing facilities, or grease, oil, grit, and sand traps or other interceptors are provided for any wastewater, they shall be continuously maintained in satisfactory condition and effective operation by the owner at his expense.

- a. **Grease Removal.** Grease and oil traps or other interceptors shall be provided at the user's expense when such user operates an establishment preparing, processing, or serving food and/or food products. Grease interceptors may also be required in other industrial or commercial establishments when they are necessary for the proper handling of liquid wastes containing oil and/or grease in amounts of excess of fifty (50) mg/l, or for any flammable wastes. All such traps, tanks, chambers, or other interceptors shall be of a type and capacity approved by the County and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of the waste content as required, as frequently as thirty (30) days or as long as ninety (90) days, at the discretion of the County, in order to maintain their minimum design capability to intercept oils and greases from the wastewater discharged to the public sanitary sewer. The operation, maintenance, and repair of such equipment shall be at the sole expense of the owner. Failure to comply may result in the implementation of enforcement procedures.

- (1) Waste removed from grease interceptors shall not be discharged into the public sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.

- (2) The user shall maintain written records of trap maintenance for at least two (2) years. The user shall send a copy of the invoice for trap cleaning or similar suitable record each time the trap is cleaned, to the Public Utilities Director or a duly authorized representative.

- b. **Sand and Grit Removal.** Sand and grit traps or other interceptors shall be provided at the owner's expense when they are necessary for the proper handling and control of liquid wastes containing sand and grit in excessive amounts. All such interceptors shall be of a type and capacity approved by the County and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of their solids contents as required, but not less often than every thirty (30) days, in order to maintain their minimum design capability to intercept grit and sand prior to the discharge of waste waters to the public sanitary sewer. The operation, maintenance and repair of such equipment shall be at the sole expense of the owner. Failure to comply may result in the implementation of enforcement procedures.

- (1) Wastes removed from sand and grit interceptors shall not be discharged into the public sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.

- (2) The user shall maintain written records of trap maintenance for at least two (2) years. The user shall send a copy of the invoice for trap cleaning or similar suitable record each time the trap is cleaned, to the Public Utilities Director or a duly authorized representative.

3.11. Unapproved Connections Prohibited

No person shall make connection to the County's sewer system without first submitting an application and obtaining approval in accordance with this Ordinance.

3.12. Connection to County Water System

- a. Connection to the County's water system shall be required for all persons, groups, or corporations desiring to connect to County-owned and operated wastewater collection systems, if said water system is available and accessible. If requester is not currently connected to the County's water system at the time of application for connection to the County's wastewater collection system, said requester shall connect to the County's water system, at his or her expense, when available and accessible. Requester shall be subject to all connection fees associated with connection to the County's water and sewer systems accordingly prior to initiation of said services.
- b. If water is not available or accessible, requester can be allowed to connect to the County's wastewater collection system. The requester shall be required to connect to the County's water system at the time it is available and accessible to the requester's property, subject to payment of all connection fees. The requester shall be required to pay rate (flat or otherwise) as approved by the Board of Commissioners.

SECTION 4 - REQUIRED CONNECTION

4.1 Procedure

- a. Notification by County. When a public sanitary sewer becomes available to a property served by a private wastewater disposal system, or when a public sanitary sewer becomes available to a non-County wastewater collection system, the County shall provide notification to the owner of such property. The notification shall include the following:
 - (1) A notice that the owner is required to make application and connection to the public sanitary sewer within twelve (12) months of the date of the notice, unless waiver is obtained pursuant to Section 2.2;
 - (2) A statement summarizing the applicable connection procedures as more fully described in Section 4.5 for private sewer systems, and subsection (c) of this section for all other owners;
 - (3) A statement summarizing the applicable one-time sewer charges and basic user charges, as more fully described in the fee schedule, which shall include a review of payment and billing options available to the owner;
 - (4) A statement summarizing the penalties for failure to comply with this section; and
 - (5) A statement summarizing the application procedures, as specified in subsection (b) of this section, for obtaining the required connections discussed in this Ordinance.
- b. Application Procedures for New Connections. Upon notification by the County that the public sanitary sewer is available to a residential or non-residential property, the owner must obtain a permit for connection to the public sanitary sewer. To obtain a permit for connection, the owner of such property shall make application for connection to the public sanitary sewer within twelve (12) months of notification as follows:
 - (1) If the owner of a residential or non-residential property is a resident of the County:
 - (a) The owner must apply to Brunswick County in Bolivia, NC.
 - (b) The owner must complete and sign all required documents and all required fees, as specified in Section G of this Ordinance, must be paid at the time application is made.
 - (c) All required fees must be paid prior to the issuance of any permits by the County's Building Inspections Department.
 - (2) If the owner of a residential or non-residential parcel resides outside the County, and/or a contractor, developer, or other party will be obtaining a permit on behalf of the owner, the following application procedures shall be required:
 - (a) Upon payment of all required fees, the contractor, developer, or other party may obtain a permit on behalf of the owner.
 - (b) The contractor, developer, or other party shall provide the mailing address of the owner so that all required documents may be mailed directly to the owner for completion. A service fee set from time to time may be charged to cover the cost of mailing the documents.
 - (c) The owner must complete, sign and have notarized all required documents and return the documents to Brunswick County in Bolivia, NC, within thirty (30) days from the date of notification by the County.
 - (d) At the time Building Inspections requires a clean-out inspection of the sewer system for the residential or non-residential property, in order to issue a Certificate of Occupancy (CO), the inspection will not be approved nor the Certificate of Occupancy (CO) issued until such time as the owner submits all documents and payment for all applicable fees and charges to Brunswick County.
 - (3) The owner shall be responsible for all fees until such time as notification of change in ownership of the property is made to the County. Upon notification of a change in ownership, a new

application for service shall be made by the new owner in accordance with subsections b(1) and b(2) of this section.

- (4) If a residential or non-residential property is located in a part of the County where the public sanitary sewer is not yet available to the property, all applicable fees associated with the treatment plant capacity, if applicable, must be paid prior to issuance of any permit by the Building Inspections Department. The owner's application is not required for payment of the treatment plant capacity fee; however, the owner's application will be required when the public sanitary sewer is available to the property and all other fees become due.

c. Application Procedures for Changes in Service. The owner must notify the County of the following:

- (1) Change in ownership;
- (2) Request for change in billing methods;
- (3) Transfer of ownership between properties within the County; and
- (4) Request for termination of service.

The owner may notify the County in person or by telephone of any changes in service. If notification is made by telephone, the County will mail all required documents to the owner for completion and required signatures. If applicable, an administrative fee set from time to time will be applied to the owner's account. If fees, other than the administrative fee, are required in accordance with Section 5 of this Ordinance, the owner must complete and sign all required documents and all required fees paid as specified in subsection (b) of this section.

d. Installation of the connection. Most connections to the public sanitary sewer will require the construction and addition of a service line, a connection (tap) and a cleanout. The responsibilities for provision of these elements are separately discussed below and further requirements are stated in Section C of this Ordinance.

- (1) Service line. The owner is solely responsible for constructing the service line that connects each building to the public sanitary sewer.
- (2) Connection (tap). Upon the owner's payment of a sewer service connection fee pursuant to the fee schedule, the County will provide a tap that will provide the owner's service line access to the sewer lateral.
- (3) Water Connection. Connection to County water system, when available, shall be required prior to obtaining sewer service. Whenever the Director determines that the County or other public water service provider is available to a property requesting a sewer service, connection to the applicable water system shall be required prior to approval of sewer connection.
- (4) Water Meter. Except in cases where the owner is eligible for flat rate billing (if available), a meter must be installed to measure the owner's water usage. For owners of residential property, except residential property classified as new development, electing the metered option, the County shall furnish and install one (1) meter per property. If a meter is provided by another utility service (i.e. water) the County shall read the existing meter for billing purposes. Owners of residential property classified as new development electing the metered option, all commercial and industrial properties, and all other owners shall pay the cost of meter installation specified in Section 5. The County will neither install, read, nor bill for individual meters in a townhouse subdivision, multifamily project or other collection of attached dwelling units, which are not individually owned and individually metered by the utility providing other service (i.e. water). However, any owner may install one or more master meters for sewer billing purposes. The type, location, method of installation, and brand of meters must be approved by the County prior to installation.
- (5) Sewage Meter. In certain cases the County may require the owner to install and pay for a sewage meter in lieu of a water meter; such installation shall be in accordance with plans and specifications approved by the County.

- (6) Metal Cleanout Boxes Required. All sewer cleanouts on public and/or private property shall be protected with a cast iron cleanout box for commercial and industrial sewer customers, when applicable. The cleanout stack shall include threaded cleanout cap, or other approved device, under the cast iron cleanout box; however, in lieu of a metal cleanout box, a twelve (12) inch, square concrete pad around the cleanout, with a recessed plug, may be used.

- e. Voluntary requests for connections to the County's sewer system may arise in several situations: request for County acceptance of a previously constructed sewer system in the County; request for County approval and acceptance of a newly created sewer system in the County; or a developer's construction in the County's sewer jurisdiction of an extension connecting his system to the County's system. The first two cases involve situations in which the private system is presumably adjacent to the County's existing system; the last case anticipates an applicant's desire to extend sewer service to an area covered by the County's Master Plan in advance of the County's construction time frame. In all cases, however, the application procedures for County acceptance of a private sewer system remain the same. Consequently, acceptance procedures for all sewer systems are described in Section 4.1, while specific additional requirements for extensions are described in Section 4.4.

Development located outside the proximity of the County's sewer system, as described in *Appendix 1*, may desire to connect to the County's sewer transmission/collection system. Such extensions can be approved by the County on a voluntary basis and shall be installed in accordance with the County's construction standard specifications and details.

- f. Tracts of land adjacent to or spanning the limits of the active construction phase of the County sewer plan may receive service through the County provided adequate capacity in the County system and treatment facility is available. Such connection required to provide the service will be temporary. The proposed collection system will be designed to permanently tie into the County system at a future date. All costs of the proposed collection systems and connections to the County systems will be at the expense of the developer. "Adjacent" is defined as a parcel or tract of land within the distance described in *Appendix 1* and shall be within the distance described to a right-of-way containing sewer collection/transmission system owned and operated, or operated on behalf of, the County.

If the proposed development is within the proximity of the County's sewer transmission/collection system, as described in *Appendix 1*, and a County-owned and operated sewer transmission and/or collection main is scheduled to be constructed within a three (3) year period, the developer may post a performance bond with the County in an amount necessary to engineer and construct the system required to connect the development with the County's sewer system in accordance with the County's sewer construction standard specifications and details, in lieu of constructing said connection prior to the County's sewer system being available.

- g. Reimbursement Agreement for Developers requesting to extend sewer transmission mains to be connected to the County's sewer system can be approved by the Board of Commissioners. A developer of land within the prescribed distance of a County sewer/wastewater collection system outlined in *Appendix 1* shall be responsible for all engineering and construction costs associated with the transmission line installation from the development site to the closest point of connection to the County's system. The closest point of connection to the County's system shall be determined by the Public Utilities Director. Upon completion of construction of the line, said line shall be dedicated to the County for operation and maintenance. The developer or a coalition of developers that incur the costs for the construction of the transmission shall be eligible for reimbursement up to but not exceeding one hundred percent (100%) of the costs associated with construction of the line for a period of ten (10) years in the following manner:

- (1) The County's minimum standard pipe size for sewer transmission lines shall be eight (8) inches. Whenever the County's minimum requirement for an eight-inch transmission line exceeds the size line required to serve the applicant's specific property, the applicant/developer shall construct the size line designated on the County's Wastewater Master Plan. In cases in which a sewer transmission line is not designated on the Master Plan, the size shall be determined by an engineering study prepared by the developer, or as required and approved by the Public Utilities Director. When sound engineering demonstrates the proposed new development(s) or project(s) requires a sewer transmission line greater than eight (8) inches (nominal diameter) then that size

becomes the minimum pipe size by which the agreement is based unless a larger size is required by the County Public Utilities Director.

- (2) The developer's engineer shall designate on the development engineering plans the sewer transmission line to be constructed through the reimbursement policy.
- (3) All transmission line reimbursement agreements must be submitted to and approved by the Board of Commissioners prior to the construction of the improvements. To initiate a sewer transmission line reimbursement agreement the developer shall complete the **Application for Sewer Transmission Line Agreement** form (**Appendix 2**).
- (4) The developer or his designee shall comply with all applicable provisions of the North Carolina General Statutes regulating public contracts. Primarily, this involves the North Carolina General Statute 143-129 "Formal Bidding Procedure" or NCGS 143-131 "Informal Bidding Procedure" whichever shall apply based upon the total cost of the sewer transmission line constructed as part of a Reimbursement Agreement.
- (5) The bid shall include unit prices for the actual line size to be constructed as a part of the reimbursement. The developer or his designee shall provide copies of all bid proposals received, a copy of the executed contract between the developer and the selected contractor, and a bid tabulation which is signed and sealed by a professional engineer registered in the State of North Carolina certifying the bids received and the award of the contract in accordance with this policy. The County Public Utilities Director and/or the County Manager will determine if the bid is reasonable and acceptable.
- (6) The selected contractor shall be properly licensed to perform the water or sewer line construction. The County Public Utilities Director or the County Manager will determine if the bid is reasonable and acceptable.
- (7) The developer or his designee shall submit an **Application for Sewer Transmission Line Reimbursement (Appendix 3)**, including the construction quantities. The Application shall be signed and sealed by a professional engineer registered in the State of North Carolina and shall designate to whom the reimbursement should be payable including the applicable address.
- (8) The developer or his designee shall provide a Certified Tax Statement from the contractor for the sewer transmission line as part of the reimbursement request.
- (9) The Application for Reimbursement shall be submitted to the County Engineering Department for review prior to being approved by the Board of Commissioners.
- (10) All sewer transmission lines extended under the provisions of this policy shall be installed and constructed in accordance with the approved plans, specifications, and other requirements of the County. Upon completion of the construction of main by the developer and acceptance of the sewer force main by Brunswick County, the sewer force main shall become the property of Brunswick County.
- (11) The maximum term of the reimbursement contract shall not exceed ten (10) years from the date of the agreement. No reimbursement shall be made after the ten-year term or after the developer or coalition of developers has recovered all eligible reimbursement cost of the sewer transmission line extension, whichever occurs first. The term of any reimbursement agreement shall run from the execution of the agreement by all parties until the County's obligation for reimbursement has been met. The agreement may be terminated (at any time) by unanimous consent of all parties.
- (12) Costs eligible for reimbursement under this policy shall include the construction of all off-site sewer transmission lines of a regional nature as determined by the Public Utilities Director and/or the County Manager. No costs associated with engineering design, permitting, bidding, or construction oversight shall be eligible for reimbursement.
- (13) All reimbursement agreements shall be two-party agreements between Brunswick County and a developer or coalition of developers and shall be approved by the Board of Commissioners prior to construction of the wastewater facilities.

- 107
- (14) There is hereby established a Sewer Transmission Capital Recovery Fee that shall be \$1,000.00 per REU. The Sewer Transmission Capital Recovery Fee may be amended from time to time by the Board of Commissioners. Said fee shall be collected by the County from developers that connect to a sewer transmission line constructed by another developer or a transmission line constructed by the County. The Sewer Transmission Capital Recovery Fee must be paid by the developer or property owner at the time of application for sewer service and shall be based on Residential Equivalent Units (REU's). Individual property owners connecting directly to the transmission line will also be subject to the Sewer Transmission Capital Recovery Fee. Individuals shall pay the Sewer Transmission Capital Recovery Fee when they apply for sewer service. Said fee shall be in addition to the Sewer Capital Recovery Fee, Sewer Tap Fee, and any other fees associated with connection to the County's sewer system.
 - (15) Reimbursements paid to the developer would come from the Sewer Transmission Capital Recovery Fees paid by other subsequent developing properties within the service area benefiting from the transmission line to include individuals or individual properties. Sewer Transmission Capital Recovery Fees collected by the County that exceed the documented initial construction cost of a particular transmission line shall be retained by the County and used for sewer system upgrades, expansions, and payment of debt service. Reimbursements paid to the developer shall not exceed the total amount of Sewer Transmission Capital Recovery Fees collected for that project.
 - (16) A developer that is required to construct a sewer transmission line to serve a development must pay the Sewer Transmission Capital Recovery Fee.
 - (17) The reimbursement payments shall be made annually on or before 31 January of each year (not to exceed ten (10) years from the time of approval by the Board of Commissioners) from the Sewer Transmission Capital Recovery Fees collected from developers and individuals for connection to a particular transmission line.
- h. Expansion of the County's sewer transmission/collection system shall be done in accordance with the County's Master Plan and/or 201 Facilities Plan and shall be contingent upon available funding. The requirement to extend a sewer transmission line to connect a new development project, commercial or residential to the County's sewer system shall not be avoided or circumvented by one or more property owners by subdividing a tract of land or change in ownership. A tract or parcel of land shall be evaluated based on the total development potential of the tract using a conservative factor of 2.7 units per acre as it existed on **December 1, 2003**. The total acreage of a tract as of **December 1, 2003** will be used to determine the requirement to extend the transmission line in accordance with Appendix 1. (Example: If the owner of a 100-acre tract of land subdivides the tract into five 20 acre tracts and sells the subdivided parcels to five different developers to develop smaller residential subdivisions, the developer of the first 20-acre tract would be required to extend the sewer transmission line based on the size of the tract before being subdivided) the total acreage shall not be adjusted for delineated wetlands existing on a tract. The approval of a development project site plan to be constructed in multiple phases shall not eliminate the obligation or requirement of the owner/developer of a tract of land to construct a transmission line to connect a proposed development to the County's sewer system.

4.2 Sewer Construction Requirements

a. Required Sewer Improvements in Subdivisions

- (1) All subdivisions in the County that receive approval after September 1, 2002, shall be required to install a sewage collection system that shall be designed and built in accordance with the provisions of Article I, EPA/DWQ requirements as stated in Section 2.2.c, shall meet or exceed the County construction standard specifications and such provisions of the Brunswick County Subdivision Ordinance as may be applicable.
- (2) A subdivision may be granted an exemption upon the review and approval of the Director of Engineering Services provided the following conditions are met:

The subdivision is neither in an existing sewered area nor in an area planned to be sewered in accordance with the County's Master Plan.

- (3) Extensions to County's Sewer System. All extensions to connect to the County's sewer system shall be designed with maximum use of gravity flow pipeline facilities wherever feasible. In any case where sewer service is required and a choice exists for pumped service versus gravity service, then gravity service shall be constructed unless proven otherwise infeasible by the developer/owner or the developer/owner's engineer to the satisfaction of the County.

All pump stations installed to serve one (1) or two (2) individual, single-family units or one (1) single, individual commercial or industrial sewer customer shall be constructed, operated and maintained by that sewer customer. All pumped systems shall require an agreement with the property owners (i.e., property owner's association or individually) for a private contractor to operate and maintain the individual pumping facilities providing each lot or unit sewer service. The County shall not own or operate these types of facilities.

- (4) Dry Sewer Requirement. All new development and/or projects proposed in areas where County sewer is not currently available but is scheduled to be installed within three (3) years of completion of the development and/or project shall be required to install "dry" sewer infrastructure. The sewer infrastructure, including, but not limited to, mains, service taps, clean-outs, pumping stations, manholes, etc., shall be constructed in accordance with the County's sewer construction standard specifications and shall be approved by the County and the State prior to construction.
- (5) Reuse Requirement. All new golf course developments requiring the use of water to maintain their property or existing golf course developments constructing a wastewater collection system to be connected to the County's wastewater collection/transmission system shall be required to install a reuse system (also referred to as "purple pipe" or "gray water lines") for disposal of treated wastewater effluent on the golf course(s) meeting or exceeding State and Federal requirements for such use. The requirement shall be subject to the following criteria:
- (a) The availability of County reuse water distribution/transmission lines in the area of the development and/or project.
 - (b) Availability of sufficient open space for disposal of treated effluent on the golf course or other allowable uses within the development.
 - (c) The use of groundwater shall be prohibited for golf courses if the County's reuse system is available.
- (6) Calculation of Sewer Usage. The County shall use and require others to use the "**Wastewater Flow Rate**" table found in *15A NCAC 2H .0200 – Waste Not Discharged to Surface Waters*, or an equivalent document approved for use by the State of North Carolina, for calculating and estimating the sewer requirement for all applicable facilities and/or developments.
- b. Non-County Sewers; Interim Arrangements. If the private sewer system operator uses a package treatment plant to provide interim treatment, the plant will be operated and maintained by the County. The developer/owner shall provide a five (5) year performance bond set from time to time to ensure proper operation and maintenance. The County shall have the right to use the bond funds to operate, repair, and/or maintain the system if the County determines that the plant requires additional repair and maintenance as a result of poor plant performance or incorrect plant design. When the County system is available, the collection system will be separated from the plant and the plant will be removed according to the agreement between the County and the developer/owner within six (6) months of the County's written notification. This part is only applicable if the development or project is located within the County's current Master Planning area or 201 Facilities Planning area.
 - c. Use of Septic Systems; Interim Arrangements. If County sewer is not available to the development or project, but is scheduled to be available according to the County's Master Plan, the developer may choose to use septic tanks or some approved variation thereof. These systems shall be approved and constructed in accordance with the County Health Department and all other applicable regulatory agencies. The owner/developer shall connect all septic tank systems to the public sewer system, at his expense, once public sewer is made available by the County.

4.3 Acceptance Procedures for All Sewer Systems

- a. Written application shall be made to the County by the owner who intends to construct sewer improvements in the County's sewer jurisdiction after **September 1, 2002**; offer previously constructed sewer improvements in the district for county acceptance; or construct an extension in the district connecting his sewer system to the County system. All such applications and all such sewer improvements constructed and connected to the County's sewer system shall be subject to the following requirements:
 - (1) All sewer systems shall be designed and constructed in conformance with the County construction standard specifications.
 - (2) The applicant shall employ a North Carolina registered engineer at its expense to prepare plans for the proposed sewer improvements.
 - (3) The completed plans and specifications shall be submitted to the County for review and approval prior to submittal to other agencies. Approval of plans and specifications by the County does not relieve the applicant from obtaining any and all approvals necessary for the construction of the sewer project.
 - (4) The County shall have the authority to release plans and specifications approved by the Engineering Services Department to the State of North Carolina (DWQ) for approval. By the adoption of this section, the County authorizes the Director of Engineering Services to approve final, record drawings ("as-built") and accept sewer systems, utility easements, rights-of-way, and other elements as offered. Applications to other agencies shall be submitted in the name of the Brunswick County. All application fees and other applicable fees shall be paid by the applicant.
 - (5) The applicant shall engage a North Carolina licensed utility contractor, acceptable to the County, to construct the proposed sewer mains and appurtenances.
 - (6) The County shall, from time to time, observe the installation and construction of sewer mains and associated appurtenances as required. Prior to placing sewer infrastructure and related equipment in service, the applicant shall satisfy the County that the sewer mains and appurtenances were built in accordance with the approved plans and specifications. The applicant's engineer shall certify, in writing, that inflow and infiltration rates are within the limitations required in the specifications.
 - (7) The applicant's engineer shall modify the original approved drawings as necessary to provide accurate reproducible record drawings ("as-built") to the County upon completion of construction of the sewer lines.
 - (8) Through appropriate legal documents such as deeds, lien waivers, and recorded plats, the applicant shall offer to dedicate to the County all sewer infrastructure and related equipment and all easements, rights-of-way, or fee simple parcels on which the sewer infrastructure and related equipment may be located. When applicable, encroachment agreements must be obtained from public authorities prior to the commencement of construction. Minimum easement width shall be twenty (20) feet unless the Director of Engineering Services determines that exceptional topographic characteristics justify a greater width.
 - (9) If any sewer improvements have been constructed within one (1) year of application, the applicant shall provide the County a notarized certification of payment of all contractors.
 - (10) The applicant shall indemnify the County for any damages or injury to property by reason of the sewer system or its construction, maintenance, or repair.
 - (11) No construction of any sewer improvements shall be initiated until approvals have been granted by the County and all other appropriate agencies.

- (12) Any developments to which or in which the sewer system is to be extended must be approved by the County and by the State of North Carolina.
- (13) The County must have sufficient treatment capacity, without affecting prior commitments, in the treatment plant that will receive the wastewater.
- (14) The minimum size gravity collection sewer line will be eight (8) inches inside diameter, unless deemed otherwise by the Director of Engineering Services.
- (15) If the applicant is seeking to connect a private collection system which existed prior to the County's sewer collection system, subsections (a)(1), (2), (3), (5), (6) and (7) of this section shall apply only in respect to the construction of the connection from the applicant's system to the County's system. All other requirements of this section shall apply in their entirety, and the following additional information shall be submitted:
 - (a) Reproducible original plans depicting the "as-built" system.
 - (b) Dates of construction.
 - (c) Construction materials.
 - (d) Total value of assets.
- b. No provisions in this section shall be construed to obligate the County to accept any system or parts of a system. The County may reject any system or parts of a system that fails to comply with the requirements of this section and/or with the County's construction standard specifications.

4.4 Additional Acceptance Procedures for Sewer Extensions

In addition to satisfying the requirements of Section 3.5 for its sewer system, an applicant for sewer extensions shall be subject to the following additional provisions:

- a. At the request of the applicant, and as time allows, the County shall provide manpower to acquire rights-of-way at all of the applicant's sewer line locations that coincide with the County sewer jurisdiction and Master Plan. Prior to purchase of the rights-of-way, the applicant shall pay all costs associated with the acquisition, including personnel, legal, and property owner compensation costs, etc.
- b. The applicant shall pay all costs involved in constructing the extension, including but not limited to trunk sewer lines, force mains, sewer laterals, and right-of-way acquisitions.
- c. When sufficient County funds are available, the County may require the applicant to construct a proposed trunk extension, sewer laterals, force main extension, pump station, outfall extension, treatment plant, or other improvement at a size greater than otherwise required by County minimum requirements. In such cases, the County shall reimburse the applicant for the installation cost difference between the facilities required by the County and the otherwise applicable minimum requirements. County reimbursement shall be by one (1) of the following methods, at the option of the County:
 - (1) Cash payment to the applicant, with payment occurring on the date that the improvement was scheduled to be constructed by the County; or
 - (2) In the case of outfall extensions, or collection lines with excess capacity, assignment by the County to the applicant of the County's rights to future sewer connection fees from adjoining property owners served by applicant's oversized sewer improvements.

- d. Upon request by the applicant and where practical and legal, an extension may be included in the County's construction as a change order. In such cases, the applicant shall pay the County for all acquisition, design, and construction costs prior to the commencement of construction.
- e. The County will design and construct sewer lines as part of the Master Plan for all habitable structures which are occupied on the date that the design field survey is completed in that particular area; provided that the Director of Engineering Services may waive service to some structures as provided by Section 2.2.
- f. Service lines for structures occupied after the date described in Section 2 shall be constructed at the applicant's cost in accordance with Section 3.2.
- g. The applicant shall submit any required special agreements for sewer extensions to the County Attorney for approval. Any permit to make any such extension or connection shall not be transferable and shall be limited to the time stated in the permit.

4.5. Obtaining Building Permit Prior to Certification

- a. If a developer or builder desires to obtain a building permit prior to certification of the sewer system by the Engineer, he must furnish a surety bond set from time to time, cash deposit or letter of credit for each unit. Upon furnishing bond, application for sewer service may be obtained not more than sixty (60) days prior to certification of sewer system.
- b. If multiple units are being constructed, however, the total bond may be reduced by either of the following means:
 - (1) If a developer or builder desires to obtain building permits for more than five (5) units prior to certification of the sewer, the developer or builder need submit no more than a surety bond, cash deposit, or letter of credit.
 - (2) If the developer or builder has already posted a bond for construction of the sewer system with a new subdivision, and if that bond also includes language satisfactory to the County to cover the sewer certification bonding requirement for all developers or builders seeking building permits within that subdivision as allowed by this section, separate sewer certification bonds shall not be required by the County for that subdivision

SECTION 5 - FEE SCHEDULE

5.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from users of the County's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth the County's schedule of charges and fees.

5.2. User Charges

A user charge shall be levied on all users including, but not limited to, persons, firms, corporations, or governmental entities that discharge, cause, or permit the discharge of sewage into the POTW.

- a. The user charge shall reflect at least the cost of debt service, operation, and maintenance (including replacement) of the POTW.
- b. Each user shall pay its proportionate cost based on volume of flow.
- c. The County Manager, or duly authorized representative, shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW, and will make recommendations to the County Commissioners for adjustments in the schedule of charges and fees as necessary.
- d. Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.



5.3 Surcharges

All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the following levels:

BOD	250	mg/l
TSS	250	mg/l
NH3-N	30	mg/l
Oil & Grease	100	mg/l

The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed above. The amount charged per pound of excess will be set forth in the schedule of charges and fees.

- a. The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:
 - (1) Metered water consumption as shown in the records of meter readings maintained by the County;
or
 - (2) If required by the County or at the individual dischargers option, other flow monitoring devices that measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the County. The metering system shall be installed and maintained at the users expense according to arrangements that may be made with the County.
 - (3) Where any user procures all or part of his water supply from sources other than the County, the user shall install and maintain at his own expense a flow measuring device of a type approved by the County.
- b. The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the County. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in **40 CFR Part 136**.
- c. The determination of the character and concentration of the constituents of the wastewater discharge by the POTW Director/Superintendent or his duly appointed representatives shall be binding as a basis for charges.

5.4 Billing Procedures

- a. Owner of Property to be Customer of County. Notwithstanding any language to the contrary appearing elsewhere in this Ordinance, the owner of real property being served by the public sanitary sewer shall be the customer of the County for the purpose of billing the basic user charges for such service. If the owner resides within the County, the account shall be placed in the owner's name and mailed to the owner's primary residence. If the owner resides outside the County, the account may be mailed to the property being served.
- b. Billing Periods. The County shall bill the basic user charges for sewer service either monthly or bimonthly. While the number of days in a billing period may vary, there shall only be six (6) or twelve (12) billings per calendar year.
- c. Billing Start Date for New Development. A customer's billing period begins on the date of the issuance of the Certificate of Occupancy by the Building Inspections Department of the County.
- d. Change of Ownership. The owner, as customer, of property served by the public sanitary sewer is responsible for all basic user charges incurred on their account until the County is notified of a change in ownership. Upon notification, the new owner of the property becomes the customer of the County.

and is responsible for all basic user charges incurred as of the later of the closing date of the sale or the date of notification by the owners.

- e. Multifamily Parcels. Each unit of a multifamily parcel, when each dwelling unit comprising the multifamily parcel is individually owned, will be treated as a single-family unit; and each unit will be responsible for all applicable charges, fees, and penalties pursuant to Section 5.2.
- f. Notification of Rate Changes. All sewer customers shall be notified of changes in the sewer rate schedule either by direct mail or by printing said changes on the monthly or bimonthly billing notice, or both.

5.5 One-Time Sewer Charges

- a. Sewer Service Connection Fees (tap fees). Sewer service connection fees (tap fees) shall be charged to cover the cost of providing a tap to the sewer lateral. Tap fees shall be in the amounts as established by the Board of Commissioners:
 - (1) An owner may have tap installed by a North Carolina licensed utility contractor, provided he:
 - (a) Requests approval at the time of making application for connection to the public sanitary sewer.
 - (b) Gives five (5) days notice to the County of the date the tap is to be made.
 - (c) Constructs the tap with materials specified by the County and installed by a North Carolina licensed utility contractor.
 - (d) Arranges for the presence of a County representative when the tap is made.
 - (e) Pays the tap fee according to the fee schedule, with the understanding that the County will refund the tap fee, less an administration/inspection fee, upon the owner's completion of the tap in an improved manner.
 - (2) During construction of the public sanitary sewer, the owner of an undeveloped residential or non-residential property may obtain a tap at the same rate as developed residential and non-residential property provided the following conditions are met:
 - (a) The property must be adjacent and contiguous to or must front upon a proposed County sewer line.
 - (b) The property owner must request in writing that a tap be placed on the undeveloped property.
 - (3) If a developer, as owner, installs the tap to the public sanitary sewer for the development, the developer or subsequent owner of each property in the development will only incur applicable fees.
 - (4) Rental property or property on the market for sale may be connected to the public sanitary sewer at the cleanout only by a licensed plumber.
- b. Capital Recovery Fee. All new development and non-residential development obtaining a certificate of occupancy shall pay this fee specified in Section 5.8, based on average daily flow. Swimming pools will be exempt from the treatment plant capacity fee. Average daily flow for the purposes of these fees shall be determined as follows:
 - (1) Residential Unit. For a residential unit, see Section 5.8.
 - (2) Non-Residential Unit. For a non-residential unit, flow criteria as recommended by the North Carolina Division of Water Quality, or equivalent, for sewer system requirements. If a flow is not specified by the NC Division of Water Quality, or equivalent, for a particular usage, the flow shall be based on water usage of similar facilities as determined by the County.

- (3) Non-Residential Unit (industrial wastewater). Industries that generate industrial wastewater, have a National Pollutant Discharge Elimination System (NPDES) permit, and maintain a wastewater treatment facility with capacity sufficient to cover the average daily wastewater flow may be exempted from this fee by the Board of Commissioners based on these and other criteria. This section does not exempt any non-process domestic wastewater. When the County's wastewater system becomes available to a non-residential unit having industrial wastewater, this fee shall be paid prior to connection.

5.6 Basic User Charges

- (a) Established. Basic user charges (user fees) shall be as established in Section 5.8. The charges and fees developed in accordance with the provisions of this section.
- (b) Flat Rate Option for Residential Property. The owner of residential property occupied with only one (1) structure served by a sewer line, that does not have access or is not available to a public water supply, may pay a flat monthly or bimonthly (whichever may be in affect) rate in lieu of metered rates. If the owner initially chooses a flat rate, the owner may change to a metered rate at any time; however, the owner is allowed to change one and only one time from the initial application. The owner must pay an administration/inspection fee set from time to time and the cost of installation of meters, if applicable per Section 5. If a meter does not function properly due to the owner's water quality (i.e. sand, oil, grease, etc.) and the meter has been replaced twice, the County may remove the meter and charge the flat rate.
- (c) Metered Rate Option for All Other Property. All residential property owners not eligible for the flat rate option, all commercial and industrial properties, and all other properties shall be charged based on metered rates. Metered rates shall be either residential or non-residential rates. The owner shall pay an administration/inspection fee set from time to time. If a meter does not function properly due to the owner's water quality (i.e. sand, oil, grease, etc.) and the meter has been replaced twice, the County may remove the meter and charge the flat rate.

5.7 Extra-Strength Wastewater Surcharges

- (a) Standard-strength wastewater shall be defined as that wastewater having a maximum BOD⁵, COD, suspended solids and ammonia nitrogen concentration as referenced in the rate schedule currently in force.
- (b) Industrial wastewater surcharges shall be assessed to any industrial users discharging wastewater, including constituents, at a concentration exceeding any of the limits established in this Ordinance. The surcharge rate shall be as set forth in Section 5.

5.8 Specific Fees

- a. Sewer Service Connection Fees (tap fees).
- (1) Whenever the County constructs sewer collection lines into a new service area, all development is required to connect to the sewer within twelve (12) months of the initial availability of the sewer system. During the twelve (12) month period the residential and non-residential tap fees shall be as follows for a lot on which is situated a structure requiring waste disposal:
- (a) For four (4) inch and six (6) inch taps, installation cost shall be as set from time to time and contained in the County's fee schedule as adopted by the Board of Commissioners.
- Provided, however, a vacant lot for which a sewer tap is installed shall pay the above-referenced tap fees regardless whether application is made within the initial twelve (12) months of sewer availability.
- (b) For eight (8) inch and larger, installation cost shall be estimated by the County and paid at time of application. Taps for eight-inch and larger only include the actual connection to the collection system.

- (2) All development shall pay tap fees set from time to time as adopted by the Board of Commissioners, except development that complies with either subsection a(1) in this section or Section 5.
- b. Basic User Charges (user fees). User fees consist of the sum of a fixed fee plus gallonage rate as set from time to time and adopted by the Board of Commissioners contained in a schedule of rates and fees.
 - c. Availability of Service Fee (AV). This fee shall be charged to all customers available and accessible to the County's sewer collection system. For collection systems installed in developments where dwelling structures existed prior to the construction of the sewer system, this fee shall be charged to all applicable properties deemed accessible and available to the County's sewer collection system twelve (12) months from the date the sewer system is made available for use, or upon initiation of service, whichever is less.
 - d. Cost of Installation of Meters. The cost of installation of meters shall be as set from time to time by the Board of Commissioners and contained in a schedule of rates and fees .
 - e. Capital Recovery Fee. This fee shall be as set from time to time by the Board of Commissioners and contained in a schedule of rates and fees. This fee will be determined as specified in Section G.2b; however, the minimum fee will not apply in the following circumstances:
 - (1) Building permits for new development where there is no plumbing in the entire structure. If plumbing is added later, the fee for new development will apply.
 - f. Other Charges.
 - (1) Administration/Inspection Fees. An administration/inspection fee shall be as set from time to time by the Board of Commissioners and contained in a schedule of rates and fees. The fee is applicable in the following specific situations (not all inclusive):
 - (a) Change in billing options (i.e. flat rate or metered rate).
 - (b) Installation of tap by owner as described in Section 5.
 - (c) Service call to test meter accuracy and meter is found to be accurate.
 - (d) Discontinue service as described in Section 4.
 - (2) Industrial application fee. The industrial application fee shall be the current County fee.
 - (3) Cancellation penalty. The cancellation penalty shall be twenty percent (20%) of all applicable fees paid, with a minimum penalty set from time to time by the Board of Commissioners and contained in a schedule of rates and fees.

5.9 Pretreatment Program Administration Charges

The schedule of charges and fees adopted by the County may include charges and fees for:

- a. Reimbursement of costs of setting up and operating the Pretreatment Program;
- b. Monitoring, inspections, and surveillance procedures;
- c. Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- d. Permitting;
- e. Other fees as the County may deem necessary to carry out the requirements of the Pretreatment Program.



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

116

TO: Marty K. Lawing, County Manager

FROM: J. Leslie Bell, AICP, HDFP
Planning & Community Development
Ext. # 2033

ACTION ITEM #: VIII-1
MEETING DATE: 01-Apr-13
DATE SUBMITTED: 21-Mar-13

ISSUE/ACTION REQUESTED:

PUBLIC HEARING: ☐ YES ☒ NO

Unified Development Ordinance Text Amendment UDO-13-02

BACKGROUND/PURPOSE OF REQUEST:

Request that the attached Unified Development Ordinance Text Amendment be included on your 01-Apr-13 Agenda for First Reading and Setting of a Public Hearing. Request a Public Hearing date of 06-May-13 at 6:30 p.m.

The Planning Board held a Public Hearing on 11-Mar-13.

Item 1

Amend Article 8, Subdivision Standards, Section 8.9.4,F,2., Multiple Types of Terminal Access Streets, to consider options for reducing cul-de-sac radius requirements and adjusting the cul-de-sac throat requirements.

Mr. Pages addressed the Board. He stated that there was a discussion at the 11-Feb-13 Planning Board meeting to reduce the cul-de-sac width in the unincorporated areas of Brunswick County. He said the Board made comments to the proposed changes and suggested that two (2) options be advertised for consideration at a Public Hearing.

Mr. Pages said **Option 1** (attached) is consistent with the North Carolina Department of Transportation's (NCDOT) standards. Option 1 has a cul-de-sac width of thirty-five feet (35') to the back of the curb. He further stated that a notation is included that says, "If no curbing is proposed, pavement shall extend 35' to edge of asphalt." Mr. Page said the 35' is applied to the back of a drivable curb (e.g., ribbon curbing or valley). Mr. Pages said the arc length at the throat of the curb has been increased for both cul-de-sacs and the hammerhead turnaround. Mr. Pages said the "Y" Turnaround was included as another alternative type of access street, which is consistent with the International Fire Code.

Mr. Pages said **Option 2** (attached) is proposing a cul-de-sac with a forty foot (40') radius to the back of the curb. He said this proposal includes a notation that says, "If no curbing is proposed, pavement shall extend 40' to edge of asphalt." He stated that the throat angles and throat arc lengths mirror Option 1.

Mr. Jordan said the drivable curb is not the principal type of curbing that is installed. He stated that the proposed option(s) do not specifically address drivable curb(s). The Chairman agreed that there could be some confusion based on the type of curbing used as the option(s) does not specifically address drivable curbing. The Chairman felt that the Board should make sure it is spelled out.

Mr. Candler said there were discussions at the previous meeting that people on a cul-de-sac have a tendency to use the entire cul-de-sac and the breakdown occurs at the edge of the cul-de-sac. Mr. Candler said the Board discussed ribbon material as a potential resolution to shore up the edge of the cul-de-sac. The Chairman interjected that was to be elective and not mandatory. Mr. Jordan indicated that in NCDOT's standard the 35' is to the edge of the pavement (EOP), but the proposed option(s) includes 35' and/or 40' radius if there is a flat curb. Mr. Pages said it was presented this way last month and the Board agreed that the drivable surface should be included in the radius. Mr. Jordan said the proposed option(s) do not address flat curbing being considered as part of a drivable area. The Chairman interjected that there are two (2) types of drivable curbing, which is a valley curb and flat curb. The Chairman suggested the option(s) say edge of pavement (EOP) with a footnote saying, "If curbing is desired, the minimum radius is to the edge of pavement. If there is drivable curbing, it would be included in the radius." Mr. Jordan said the Board discussed including the flat curb rather than the valley curb. The Chairman asked Mr. Jordan if he would be amenable to the footnote referencing flat curbing only and Mr. Jordan concurred.

Mr. Cameron Moore, Brunswick Alliance for a Sound Economy (BASE), addressed the Board on behalf of the Brunswick County Homebuilders Association and Brunswick County Landowners Association. Mr. Moore said Option 1 is more in line with NCDOT's standards and he was in favor of Option 1 as it allows for advantages regarding road construction.

With no further comments, the Chairman closed the Public Hearing. He suggested the seventeen foot (17') on the center island be changed to fifteen foot (15') maximum on the center island to provide better ease of a vehicle maneuvering in the cul-de-sac. Mr. Candler made a motion to recommend **Option 1** with a 15' maximum on the center island and the motion was unanimously carried.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
CAPITAL PROJECT/GRANT ORDINANCE REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
PRE-AUDIT CERTIFICATION REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
REVIEWED BY DIRECTOR OF FISCAL OPERATIONS	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

CONTRACTS/AGREEMENTS:

REVIEWED BY COUNTY ATTORNEY:	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
-------------------------------------	------------------------------	-----------------------------	---

ADVISORY BOARD RECOMMENDATION:

Members Present: Alan Lewis, Bobby Long, Steve Candler, Dr. James Graham, Jr., Denny Jordan, and Troy Price

Members Absent: Eric Dunham and Cynthia Henry

Planning Staff recommends approval.

Planning Board recommends approval [6 to 0 with Eric Dunham and Cynthia Henry being absent].

COUNTY MANAGER'S RECOMMENDATION:

Schedule Public Hearing on Unified Development Ordinance Text Amendment UDO-13-02 for May 6, 2013 at 6:30 p.m.

ATTACHMENTS:

1. None.
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

ACTION OF THE BOARD OF COMMISSIONERS**APPROVED:**☐**DENIED:**☐**DEFERRED****UNTIL:**

ATTEST:**CLERK TO THE BOARD**_____
SIGNATURE**OTHER:**

ORDINANCE NUMBER UDO-13-02

AN ORDINANCE AMENDING THE BRUNSWICK COUNTY
UNIFIED DEVELOPMENT ORDINANCE

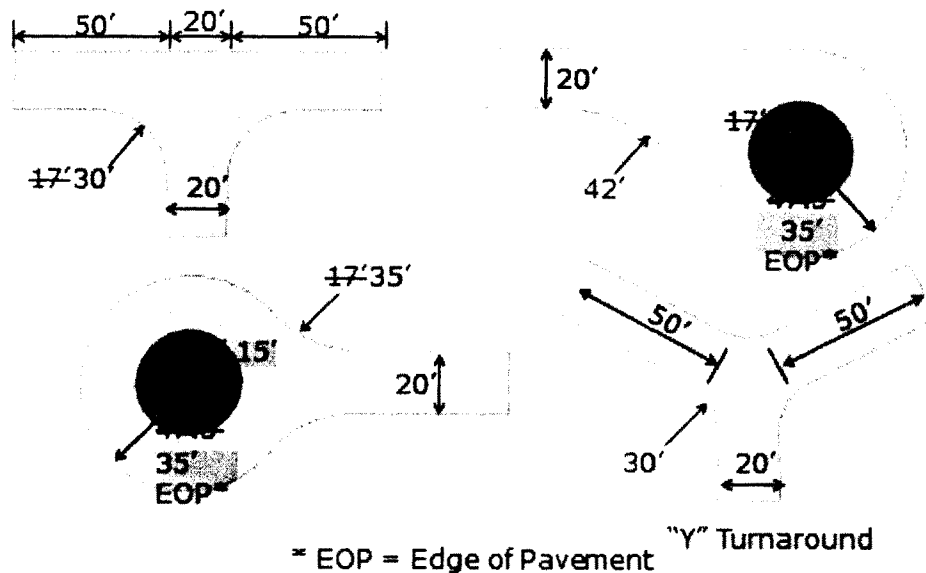
The Brunswick County Board of Commissioners in regular session duly assembled does hereby ordain:

The Brunswick County Unified Development Ordinance is hereby amended as follows:

1). Amend Article 8, Subdivision Standards, Section 8.9.4.F.2., Multiple Types of Terminal Access Streets, as follows:

Section 8.9.4.F.2., Multiple Types of Terminal Access Streets

Cul-De-Sac With 35 Foot Radius (NCDOT)



Note: If ribbon (flat) drivable curbing is proposed then the curbing may be included in the 35' radius.

BRUNSWICK COUNTY BOARD OF COMMISSIONERS

Phil Norris, Chairman

ATTEST:

Debby Gore, Clerk to the Board

First Reading: _____

Public Reading: _____

Second Reading: _____



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

121

TO: Marty K. Lawing, County Manager

ACTION ITEM #: VIII-2

FROM: J. Leslie Bell, AICP, HDFP
Planning & Community Development
Ext. # 2033

MEETING DATE: 01-Apr-13

DATE SUBMITTED: 21-Mar-13

ISSUE/ACTION REQUESTED:

PUBLIC HEARING: ☐ YES ☒ NO

Unified Development Ordinance Text Amendment UDO-13-03

BACKGROUND/PURPOSE OF REQUEST:

Request that the attached Unified Development Ordinance Text Amendment be included on your 01-Apr-13 Agenda for First Reading and Setting of a Public Hearing. Request a Public Hearing date of 06-May-13 at 6:30 p.m.

The Planning Board held a Public Hearing on 11-Mar-13.

Item 1

Amend Article 4, Zoning Districts, Section 4.12.5., Corridor Development Standards CDS-1 and CDS-2 Overlay Districts, to consider options for either 1) eliminating, or 2) making no changes, or 3) revising standards for non-residential, multi-family, and mobile home park developments located in the CDS-1 and CDS-2 Overlay Districts.

The Chairman said staff mailed numerous letters to property owners within six hundred sixty feet (660') of major corridors (US 17, US 74/76, NC 211, NC 133, NC 130, and NC 904) in the County that are within the Corridor Development Standards 1 and 2 Overlay Districts.

Mr. Bell addressed the Board. He explained to the audience why they received a letter and how they may or may not be affected. He proceeded to define Corridor Development Standards Overlay Districts and the proposed options (Option 1 is no change to the current CDS-1 and CDS-2 Overlay District Development Standards; Option 2 proposes changes to the percentage of allowable parking in the front yard setback, an increase in the landscaping interval, and an increase in the street buffer depth with plantings; and Option 3 is to eliminate the CDS-1 and CDS-2 Overlay District Standards and let the underlying base zoning district development standards apply to each property according to the property's designated base zoning district). Mr. Bell provided photographs of different sites within the County under the CDS standards as well as a site complying with only the underlying zoning district.

Mr. Pages addressed the Board. He discussed Option 2 with the potential changes to the current standards. Mr. Pages provided photographs (attached) on an overhead projector utilizing Option 2 indicating street buffer requirements, parking within the front yard setbacks, and landscaping requirements.

The Chairman opened the Public Hearing.

Mr. J. W. Suggs addressed the Board. Mr. Suggs was concerned with additional traffic in West Trace Subdivision. Mr. Bell said Mr. Suggs may be talking about the re-alignment of Long Beach Road. The Chairman suggested that Mr. Suggs contact staff about potential road improvements because they can provide information regarding plans the NCDOT may have about such.

Mr. John Nichols, owner of property on NC 211, addressed the Board. Mr. Nichols said he currently has an approved development plan on one (1) of his properties, but he has not begun construction on the property. Mr. Nichols said he would not meet the proposed minimum requirements of Option 2 should he have to re-apply for approval of his proposed project. He stated that the property is 0.42 acres and the current CDS Overlay is very restrictive on smaller lots. Mr. Nichols said he is in favor of Option 3, but if the Board decided to go with another option he suggested that parcels an acre or less should be exempted or leave the allowable parking percentage in the front yard setback as is.

Mr. Frank Morrison addressed the Board. Mr. Morrison said he lives in Supply and his family has commercial property along US 17 (Ocean Highway). Mr. Morrison said is in favor of Option 3 or Option 1, at minimum.

Ms. Sina Vereen addressed the Board. Ms. Vereen asked if the buffer area is unusable space and Mr. Candler replied, yes. Ms. Vereen said she has had property in the past that was taken by the State. Ms. Vereen said she was opposed to giving up any additional property and she was if favor of Option 3.

Mr. Bobby Faircloth addressed the Board. Mr. Faircloth said he currently owns less two (2) acres on US 17 (Ocean Highway) and he was in favor of Option 3. He said he does not have enough room at the current time to construct a building unless he can have parking in the front yard.

Mr. James Hardy addressed the Board. Mr. Hardy was concerned with property less than one (1) acre not having sufficient area to develop for commercial purposes. He was in favor of Option 3. Mr. Hardy asked why NC 87 was not included as a major corridor because it is a heavily traveled road? The Chairman interjected that the Board wants to hear what the public has to say on the matter.

Mr. C. W. Hamilton addressed the Board. Mr. Hamilton was concerned with smaller lots not having sufficient space to develop for commercial purposes. He suggested that the proposed standards apply to more than five (5) acres or the standards be eliminated.

Mr. Jerome Munna addressed the Board. Mr. Munna said he owns a sign shop on US 17 (Ocean Highway) on one-third (1/3) of an acre. He stated that his parking area was reduced when US 17 was four-laned. Mr. Munna was in favor of Option 3.

Ms. Marva Moss addressed the Board on behalf of her mother. Ms. Moss said her mother's property is 1.5 acres and the buffer requirement takes away from the property because it is an area that cannot be used. She felt that the proposed standards take away people's rights to develop their property.

Mr. Cameron Moore, representative for BASE, addressed the Board. Mr. Moore felt that there is not enough flexibility to develop on property and he was in favor of Option 3.

Ms. Annette Laska addressed the Board. Ms. Laska asked where the potential option(s) came from? The Chairman stated that the County adopted the Transportation Overlay Zone (TOZ) in 2000 as part of the Brunswick County Zoning Ordinance (Zoning Ordinance). He stated that the Brunswick County Unified Development Ordinance (UDO) was later implemented in 2007 and the CDS Overlay Districts were included in the UDO. He further stated that these are additional standards imposed on properties on certain corridors as well as the underlying zoning district. Ms. Laska asked if the County is choosing to impose these additional requirements? The Chairman replied, yes. He further

stated that the additional requirements are not mandated by the State.

Mr. Jim Lewis, T.J. Bell Electric, addressed the Board. He stated that he moved here twenty-five (25) years ago and invested in the County. Mr. Lewis said the proposed requirements are good for some, but not good for all. He reiterated that some of his property was taken by the State for road improvements. Mr. Lewis said he spoke with Mr. Bell and he was told that his use is grandfathered. Mr. Lewis felt that the CDS Overlay Districts should be eliminated. Mr. Lewis said he moved to the area to get away from excessive rules.

Mr. Don Stephenson addressed the Board. Mr. Stephenson stated that his family owns two (2) commercial properties in the County. He said the current zoning and State requirements in place are sufficient regulations to provide adequate protection to public health and safety. He suggested that Option 3 be selected because the current and proposed changes are a hardship for small businesses.

Mr. Steve Parker addressed the Board. Mr. Parker said he has lived in Brunswick County all his life and he wants to give his property (15 acres) to his children. He stated that his sister sold her property and he has had to deal with a developer regarding road access. Mr. Lewis was in favor of Option 3.

Mr. Monty Tally, owner of property on NC 211, addressed the Board. Mr. Tally reiterated that the current and proposed requirements are too restrictive for small businesses. He was concerned with the minimum use of parking in the front yard. Mr. Tally said he would not be able to rebuild his business if Option 2 is adopted. He felt that the tax values will be impacted if Option 2 is selected. Mr. Tally reiterated that State and zoning regulations are sufficient requirements.

Mr. Louie Lewis addressed the Board. Mr. Lewis said he is concerned that his children and grandchildren will not be able to develop their inherited property if the CDS Overlay District requirements are not eliminated.

Mr. Steve Williams, property owner on NC 130, addressed the Board. Mr. Williams said there is commercial property on both sides of his property. He said water backs up on his property, which is less than 1 acre. Mr. Williams said he has sought help from the State throughout the years regarding the stormwater runoff to no avail. Mr. Williams said he is in favor of Option 3.

Mr. Joey Taylor, representative for Campbell Oil Company, addressed the Board. He stated that they own several commercial tracts in the County that are less than 1 acre and they have limited space with the current regulations. Mr. Taylor said they are in favor of Option 3.

The Chairman asked for a show of hands of those in the audience that are in favor of Option 3 and the majority of the audience raised their hands. The Chairman asked if there is anyone else that would like to address the Board on any matters not previously mentioned by the other speakers? With no further comments, the Chairman closed the Public Hearing.

Mr. Bell re-addressed the Board. He stated that staff understands based on comments tonight that there are concerns regarding constraints on properties less than 1 acre, but feels some standards are needed to protect the corridors in the County. He discussed visuals (attached) for Non-CDS/Conventional parcels. Mr. Bell said staff recommends the following:

- Keep Current CDS for, at minimum, the following:
 - Hwy 17
 - Hwy 74/76
 - Consider Hwy 211 from Supply to Southport (Planned 4-Lanes)

- Consider 25' Front Setback Instead of 45' When:
 - Parking is in the side or rear [Addresses Smaller Lots].
- Discuss Status of Other Roads
 - NC 130
 - NC 133
 - NC 904

Mr. Bell stated that as recent as January 2013, Horry County, SC adopted a US 17 Corridor for the southern portion of US Hwy 17 in Horry County. Mr. Jordan said he has reviewed the CDS Overlay Districts extensively and the TOZ was in place prior to the UDO. Mr. Jordan felt that the conventional/non-CDS is adequate and the CDS Overlay Districts are not needed at this time. He further stated that the TOZ was put in place to protect the major corridors because there were no buffer requirements in place at that particular time. He reiterated that there are buffer requirements to protect the public safety and welfare. Mr. Jordan was concerned with the potential of the County losing commercial development to New Hanover County and Myrtle Beach, SC because the CDS Overlay Districts make it difficult for a developer to build on smaller lots.

Mr. Candler said there is not a lot of industry in the County, small businesses are unable to develop as a result of the CDS Overlay Districts, and the CDS has been bad from the beginning. Dr. Graham agreed that the CDS Overlay Districts should be eliminated to promote small businesses in the County.

Mr. Jordan said the Board can address any potential changes should elimination of the CDS pose a problem with development of property(ies) in the future. The Chairman said he brought this matter up for discussion as he has received calls and comments from several citizens throughout the County regarding the additional requirements imposed by the CDS Overlay Districts. The Chairman said he received calls from some of the Board of Commissioners with similar calls they received from citizens. He stated that the overlay development standards were developed with the intent to reduce or eliminate commercial strip development and visual clutter, minimize excessive driveway cuts, protect interconnectivity and/or joint access opportunities to improve safety, and encourage development that strengthen the physical character and image of the most visible and heavily traveled road corridors in Brunswick County. He felt that the underlying zoning districts provides sufficient regulations for commercial/industrial development. The Chairman said he is not an advocate of taking an individual's property. He further stated that NCDOT has regulations [and procedures] in place now to address commercial and/or industrial uses in conjunction with the County's minimum requirements. He said the UDO is a living document and it must serve the citizens of the County for the times we live in. The Chairman said he supports eliminating the CDS Overlay Districts.

Mr. Long made a motion to recommend to the Board of Commissioners to approve Option 3 to eliminate the CDS-1 and CDS-2 Corridor Overlay District Standards and let the underlying base zoning district development standards apply to each property according to the property's designated base zoning district and the motion was unanimously carried.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
CAPITAL PROJECT/GRANT ORDINANCE REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
PRE-AUDIT CERTIFICATION REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
REVIEWED BY DIRECTOR OF FISCAL OPERATIONS	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

125

CONTRACTS/AGREEMENTS:

REVIEWED BY COUNTY ATTORNEY:

☐ YES

☐ NO

☒ N/A

ADVISORY BOARD RECOMMENDATION:

Members Present: Alan Lewis, Bobby Long, Steve Candler, Dr. James Graham, Jr., Denny Jordan, and Troy Price

Members Absent: Eric Dunham and Cynthia Henry

Planning Staff recommends approval.

Planning Board recommends approval [6 to 0 with Eric Dunham and Cynthia Henry being absent].

COUNTY MANAGER'S RECOMMENDATION:

Schedule Public Hearing on Unified Development Ordinance Text Amendment UDO-13-03 for May 6, 2013 at 6:30 p.m.

ATTACHMENTS:

1. Three (3) Proposed Corridor Development Standards Options.
 2. Illustrations for Option 2 for CDS-1 and CDS-2 Overlay Districts, Conventional Commercial Development Standards, and Consideration of Shallow Lots with Wide Road Frontage.
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____
 8. _____
 9. _____
 10. _____
-
-

ACTION OF THE BOARD OF COMMISSIONERS

APPROVED:

☐

DENIED:

☐

DEFERRED

UNTIL:

ATTEST:

CLERK TO THE BOARD

SIGNATURE

OTHER:

Proposed Corridor Development Standards (CDS-1 & CDS-2) Options

Option #1 – No Change to the current CDS-1 & CDS-2 Overlay District Development Standards.

Option #2 – Make Changes (proposed changes to existing text are shown as ~~strikethroughs~~ and new text is shaded) to the CDS-1 & CDS-2 Overlay Districts as shown below:

Conventional and CDS Overlay District Comparison * Non-Residential Development Option 2

Design Criteria	Conventional (Non-CDS)	CDS-1	CDS-2
Designated Corridors	All Roads Except CDS-1 and CDS-2 Designations	US 17 NC 211** US 74/76	NC 211** NC 130 NC 133 NC 904
Front Yard Setback - Industrial	25' 50'	45' 65'	30' 30'
Maximum Impervious Coverage	No Limitations	80% of Total Lot Area	80% of Total Lot Area
Parking Permitted in Setbacks	No Limitations	A Max. of 20% of the of the Required Parking May Be Placed Within the Front Yard Setback	A Max. of 20% of the of the Required Parking May Be Placed Within the Front Yard Setback
Landscaping Interval Per	100'	50'	50'
Street Buffer	► 20 Foot Buffer Depth ► 3 Options: 1) One Canopy Tree 2) Two Understory Trees 3) <i>Under Utility Lines</i> - Two Understory Trees Not To Exceed 25 ft. in Natural Height	► 10 feet ► 10 feet 1) One Canopy Tree 2) Two Understory Trees	► 10 feet ► 10 feet 1) One Canopy Tree 2) Two Understory Trees

* Properties located in Unincorporated Brunswick County, a Planning Jurisdiction.
 ** NC 211 is currently located in both the CDS-1 and CDS-2 Overlay Districts. The NC 211 CDS-1 Overlay begins at the intersection of US 17 and continues southeast to and the City of Southport. The NC 211 CDS-2 Overlay begins at the Columbus County Line and continues to US 17 at Supply.

Option #3 – Eliminate the CDS-1 & CDS-2 Corridor Overlay District Standards and let underlying base zoning district development standards apply to each property according to the property's designated base zoning district. Setbacks (building distances from Front, Rear and Side Yard property lines), minimum lot size and building height in underlying base zoning districts can be found at for the following in the Unified Development Ordinance (UDO):

Non-Residential Uses Allowed in Residential Zoning Districts	Section 4.8.11
Commercial & Institutional Uses in Commercial Zoning Districts	Section 4.9.3
Industrial Uses in Industrial Zoning Districts	Section 4.10.3

Maximum built upon surface area (i.e., lot coverage) of eighty percent (80%) when property is developed for non-residential use(s) will be eliminated. Additionally, street buffering/streetscape will be based on Section 7.2.8 with plantings every 100 feet instead of every 50 feet along street frontages. In some instances, buffer widths may be reduced between properties to 10 feet (Section 7.2.9) for properties where non-residential uses are developed on parcels that are adjacent to residential zoning districts.

ORDINANCE NUMBER UDO-13-03

AN ORDINANCE AMENDING THE BRUNSWICK COUNTY
UNIFIED DEVELOPMENT ORDINANCE

The Brunswick County Board of Commissioners in regular session duly assembled does hereby ordain:

The Brunswick County Unified Development Ordinance is hereby amended as follows:

1). Amend Article 4, Zoning Districts, Section 4.12.5., Corridor Development Standards 1 and 2 Overlay Districts (CDS-1 and CDS-2), as follows:

Section 4.12.5., CDS-1 and CDS-2: Corridor Development Standards 1 and 2 Overlay**Conventional and CDS Design Standard Comparison for C-LD Zoned Properties***Non-Residential Development
Option 3

Design Criteria	Conventional (Non-CDS)	CDS-1	CDS-2
Designated Corridors	All Roads Except CDS-1 and CDS-2 Designations	US 17 NC 211 US 74/76	NC 211** NC 130 NC 133 NC 904
Front Yard Setback -Industrial	25' 50'	45' 65'	30' 40'
Maximum Impervious Coverage	No Limitations	80% of Total Lot Area	80% of Total Lot Area
Parking Permitted in Setbacks	No Limitations	A Max. of 20% of the Required Parking May Be Placed Within the Front Yard Setback	A Max. of 20% of the Required Parking May Be Placed Within the Front Yard Setback
Landscaping Interval Per	100'	50'	50'
Street Buffer	► 20 Foot Buffer Depth ► 3 Options: 1) One Canopy Tree 2) Two Understory Trees 3) <i>Under Utility Lines</i> - Two Understory Trees Not To Exceed 25 ft. in Natural Height	► 10 Foot Buffer Depth ► 2 Options: 1) Six Shrubs and One Canopy Tree 2) Six Shrubs and Three Understory Trees	► 10 Foot Buffer Depth ► 2 Options: 1) Six Shrubs and One Canopy Tree 2) Six Shrubs and Three Understory Trees

* Properties located in Unincorporated Brunswick County's Planning Jurisdiction.

** NC 211 is currently located in both the CDS-1 and CDS-2 Overlay Districts. The NC 211 CDS-1 Overlay begins at the intersection of US 17 and continues southeast toward the City of Southport. The NC 211 CDS-2 Overlay begins at the Columbus County line and continues to US 17 at Supply.

BRUNSWICK COUNTY BOARD OF COMMISSIONERS

Phil Norris, Chairman

ATTEST:

Debby Gore, Clerk to the Board

First Reading: _____

Public Reading: _____

Second Reading: _____

Proposed Corridor Development Standards (CDS-1 & CDS-2) Options

Option #1 – No Change to the current CDS-1 & CDS-2 Overlay District Development Standards.

Option #2 – Make Changes (proposed changes to existing text are shown as ~~strikethroughs~~ and new text is **shaded**) to the CDS-1 & CDS-2 Overlay Districts as shown below:

Conventional and CDS Overlay District Comparison*

Non-Residential Development

Option 2

Design Criteria	Conventional (Non-CDS)	CDS-1	CDS-2
Designated Corridors	All Roads Except CDS-1 and CDS-2 Designations	US 17 NC 211** US 74/76	NC 211** NC 130 NC 133 NC 904
Front Yard Setback - Industrial	25' 50'	45' 65'	30' 30'
Maximum Impervious Coverage	No Limitations	80% of Total Lot Area	80% of Total Lot Area
Parking Permitted in Setbacks	No Limitations	A Max. of 20% 10% of the Required Parking May Be Placed Within the Front Yard Setback	A Max. of 20% 10% of the Required Parking May Be Placed Within the Front Yard Setback
Landscaping Interval Per	100'	50' 100'	50' 100'
Street Buffer	► 20 Foot Buffer Depth ► 3 Options: 1) One Canopy Tree 2) Two Understory Trees 3) <i>Under Utility Lines</i> - Two Understory Trees Not To Exceed 25 ft. in Natural Height	► 10' 20 Foot Buffer Depth 3 Options 1) One Canopy Tree 2) Two Understory Trees 3) <i>Under Utility Lines</i> - Two Understory Trees Not To Exceed 25 ft. in Natural Height	► 10' 20 Foot Buffer Depth 3 Options 1) One Canopy Tree 2) Two Understory Trees 3) <i>Under Utility Lines</i> - Two Understory Trees Not To Exceed 25 ft. in Natural Height

* Properties located in Unincorporated Brunswick County's Planning Jurisdiction.

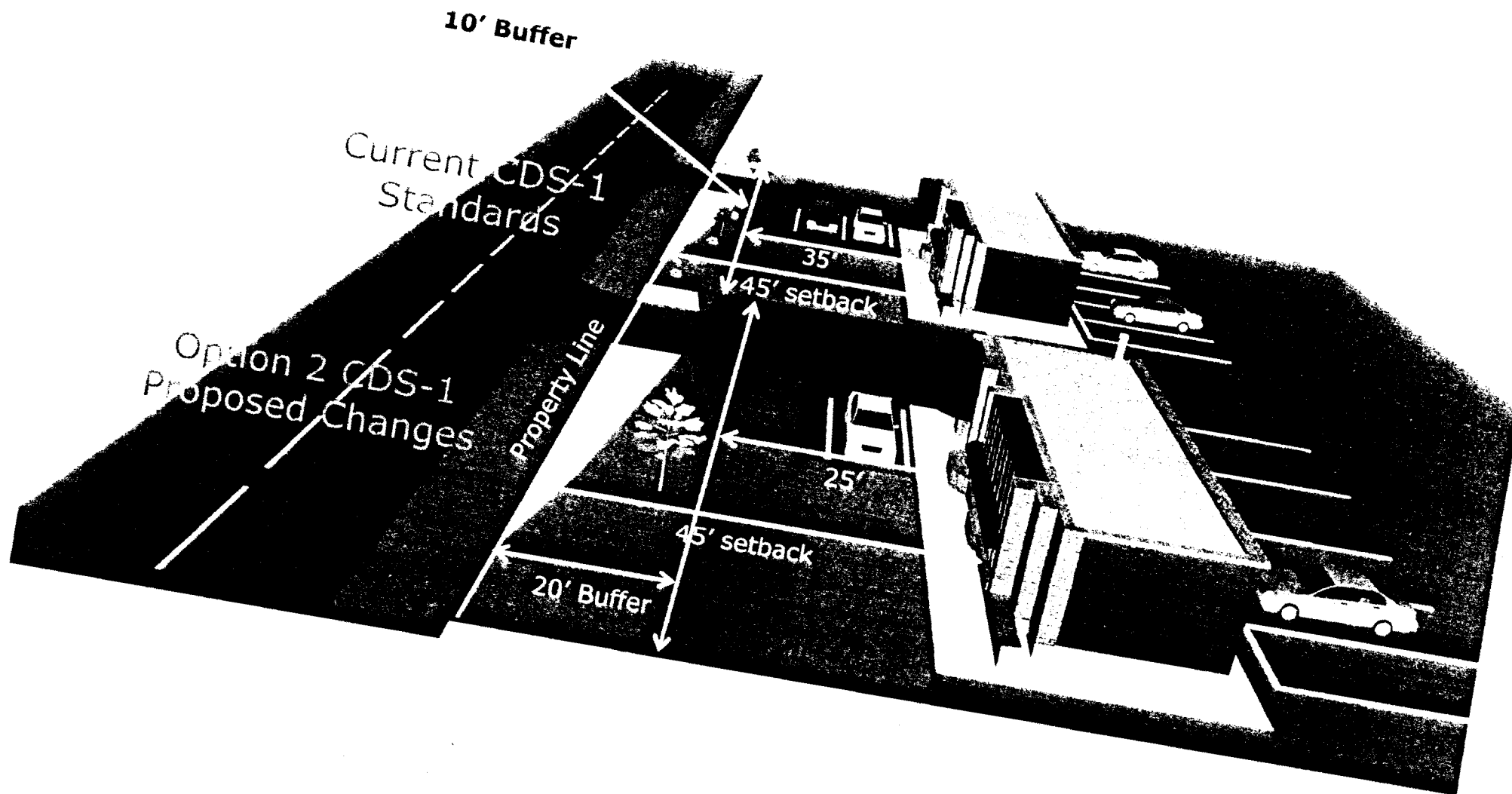
** NC 211 is currently located in both the CDS-2 and CDS-1 Overlay Districts. The NC 211 CDS-1 Overlay begins at the intersection of US 17 and continues southeast toward the City of Southport. ~~The NC 211 CDS-2 Overlay begins at the Columbus County Line and continues to US 17 at Supply.~~

Option #3 – Eliminate the CDS-1 & CDS-2 Corridor Overlay District Standards and let underlying base zoning district development standards apply to each property according to the property's designated base zoning district. Setbacks (building distances from Front, Rear and Side Yard property lines), minimum lot size and building height in underlying base zoning districts can be found at for the following in the Unified Development Ordinance:

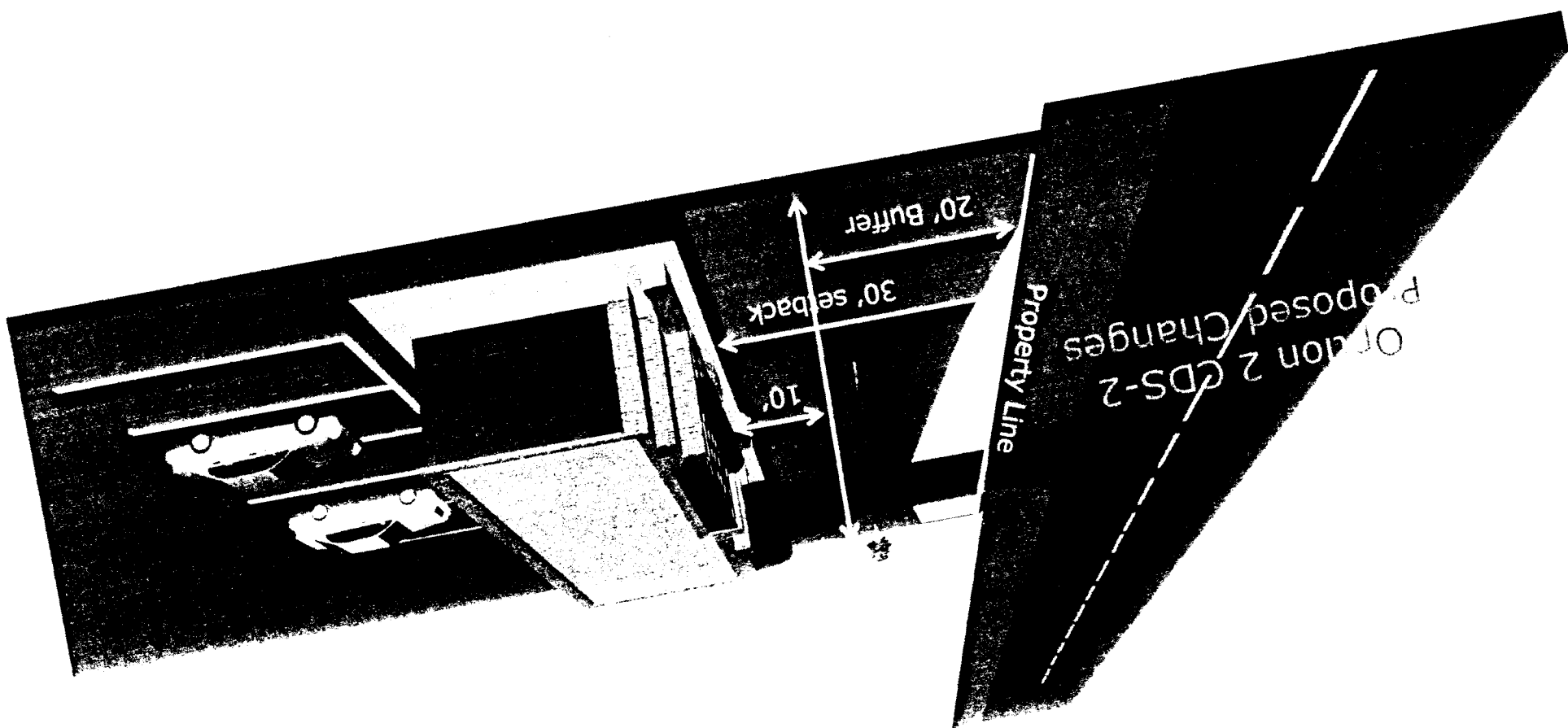
Non-Residential Uses Allowed in Residential Zoning Districts	Section 4.8.11
Commercial & Institutional Uses in Commercial Zoning Districts	Section 4.9.3
Industrial Uses in Industrial Zoning Districts	Section 4.10.3

Maximum built upon surface area (i.e., lot coverage) of eighty percent (80%) when property is developed for non-residential use(s) will be eliminated. Additionally, street buffering/streetscape will be based on Section 7.2.8 with plantings every 100 feet instead of every 50 feet along street frontages. In some instances, buffer widths may be reduced between properties to 10 feet (Section 7.2.9) for properties where non-residential uses are developed on parcels that are adjacent to residential zoning districts.

Option 2 CDS-1

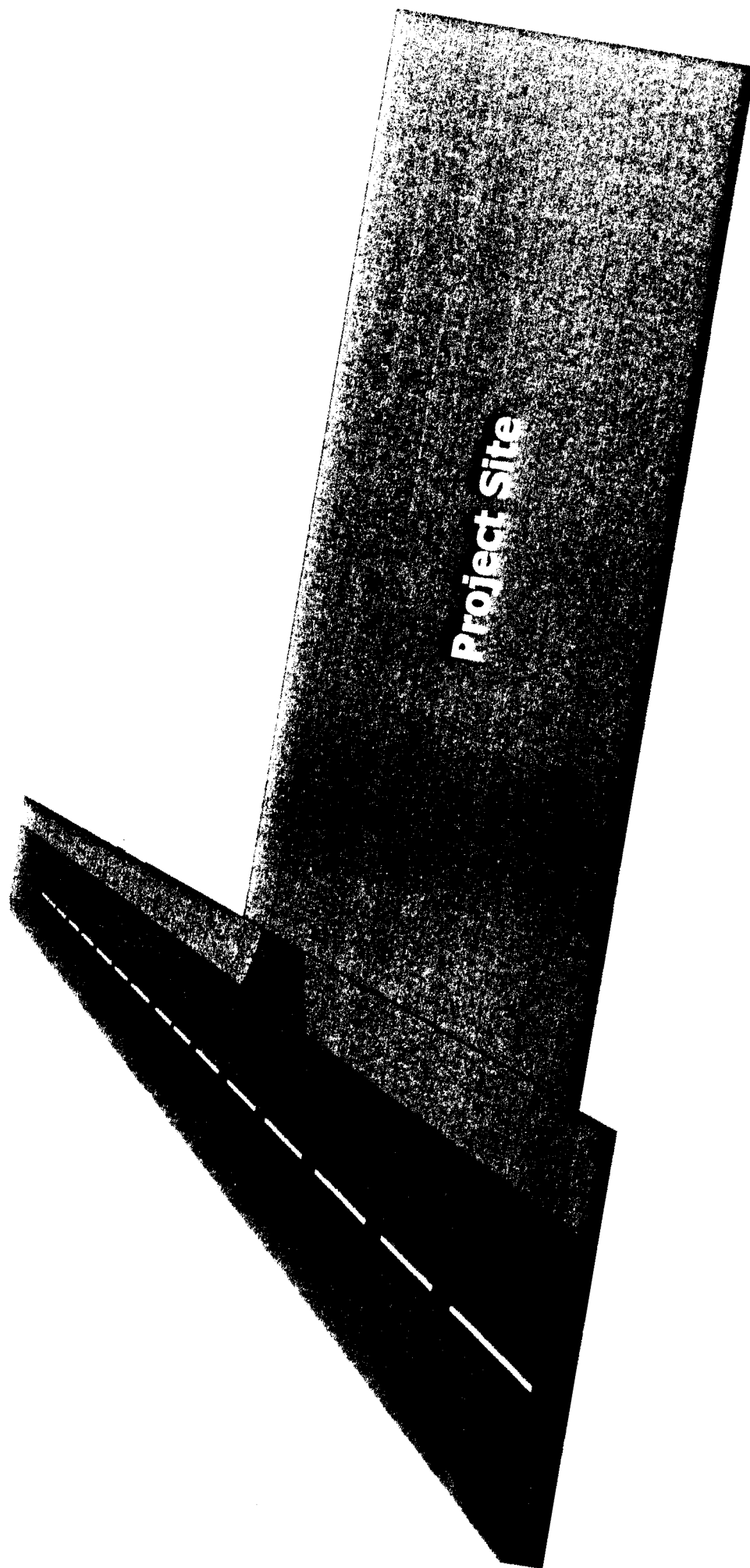


402

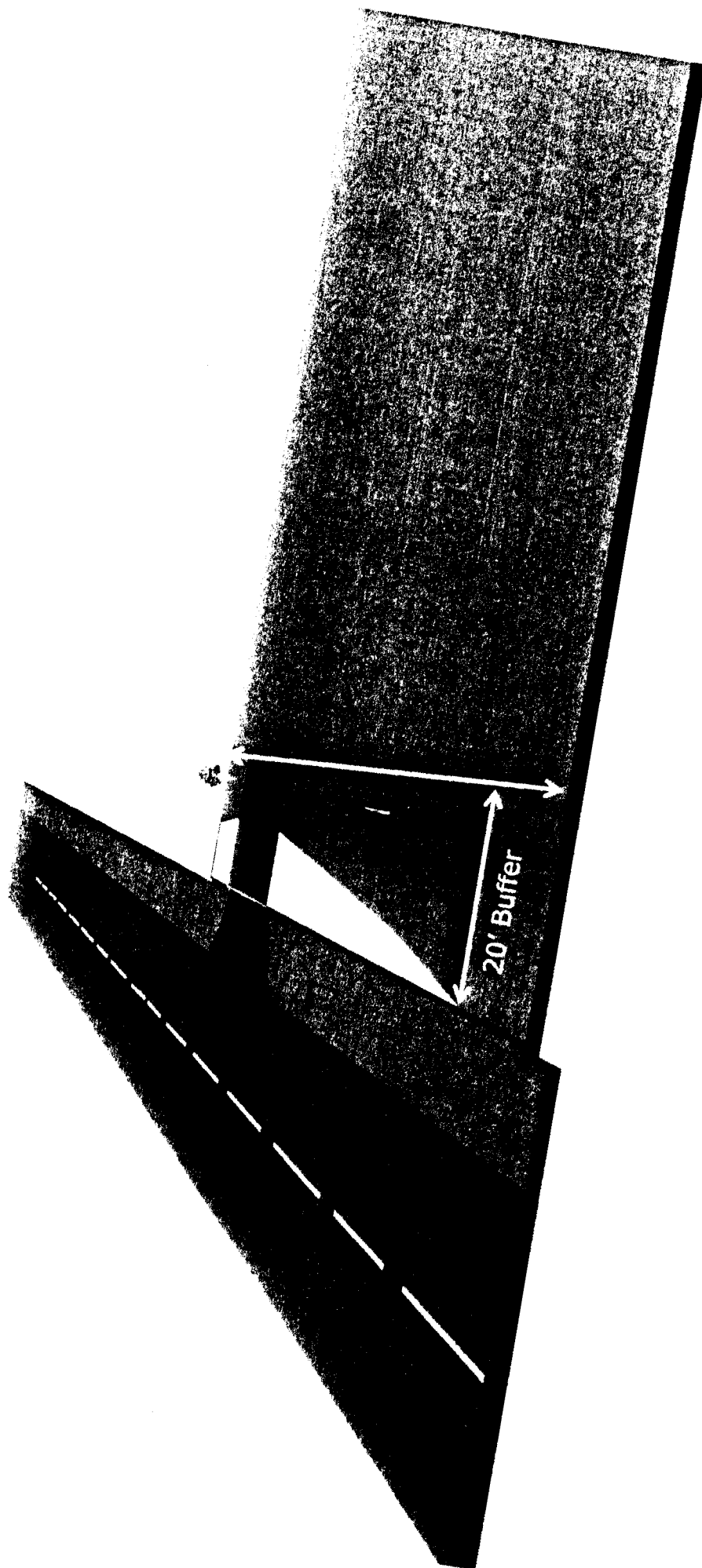


Option 2
CDS-2

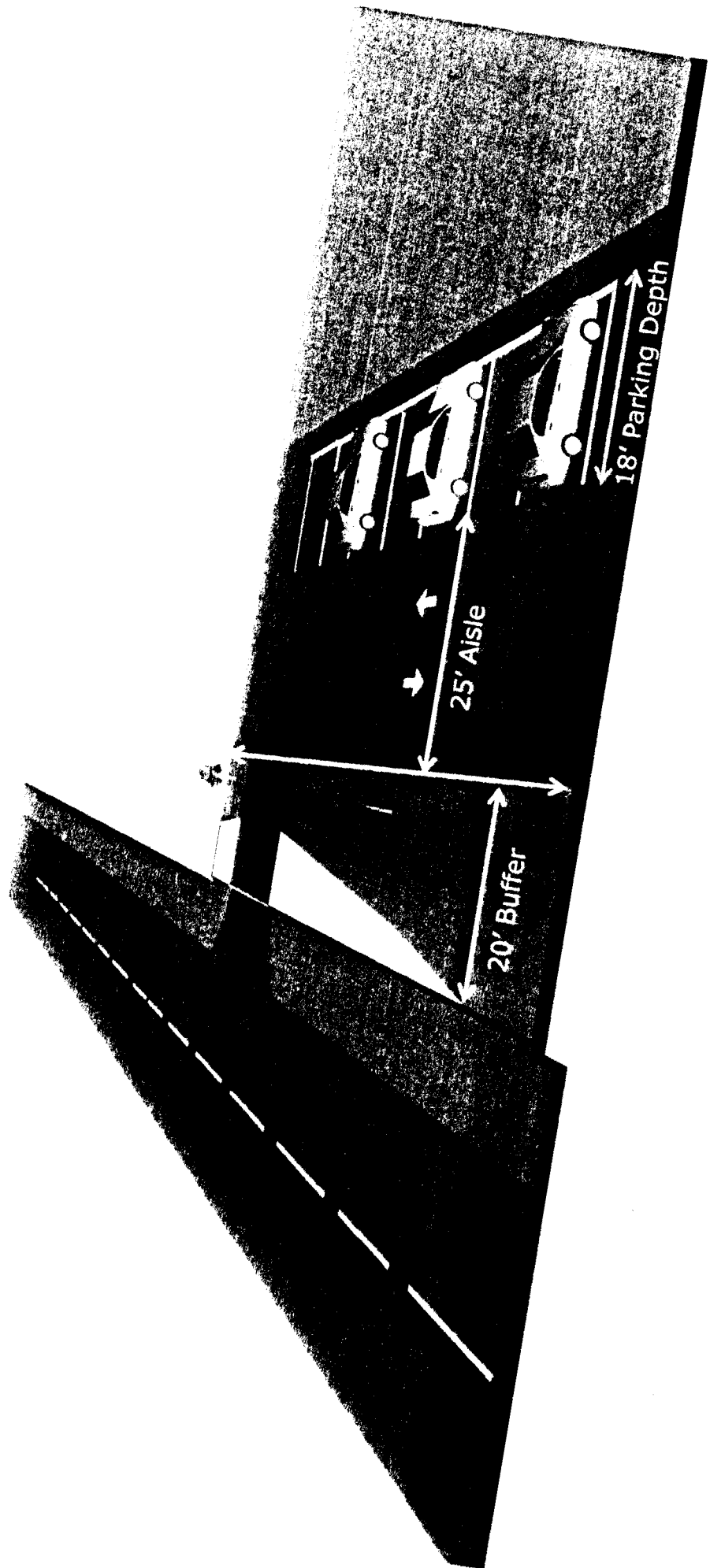
Commercial Development Scheme
(C-ED & NW)



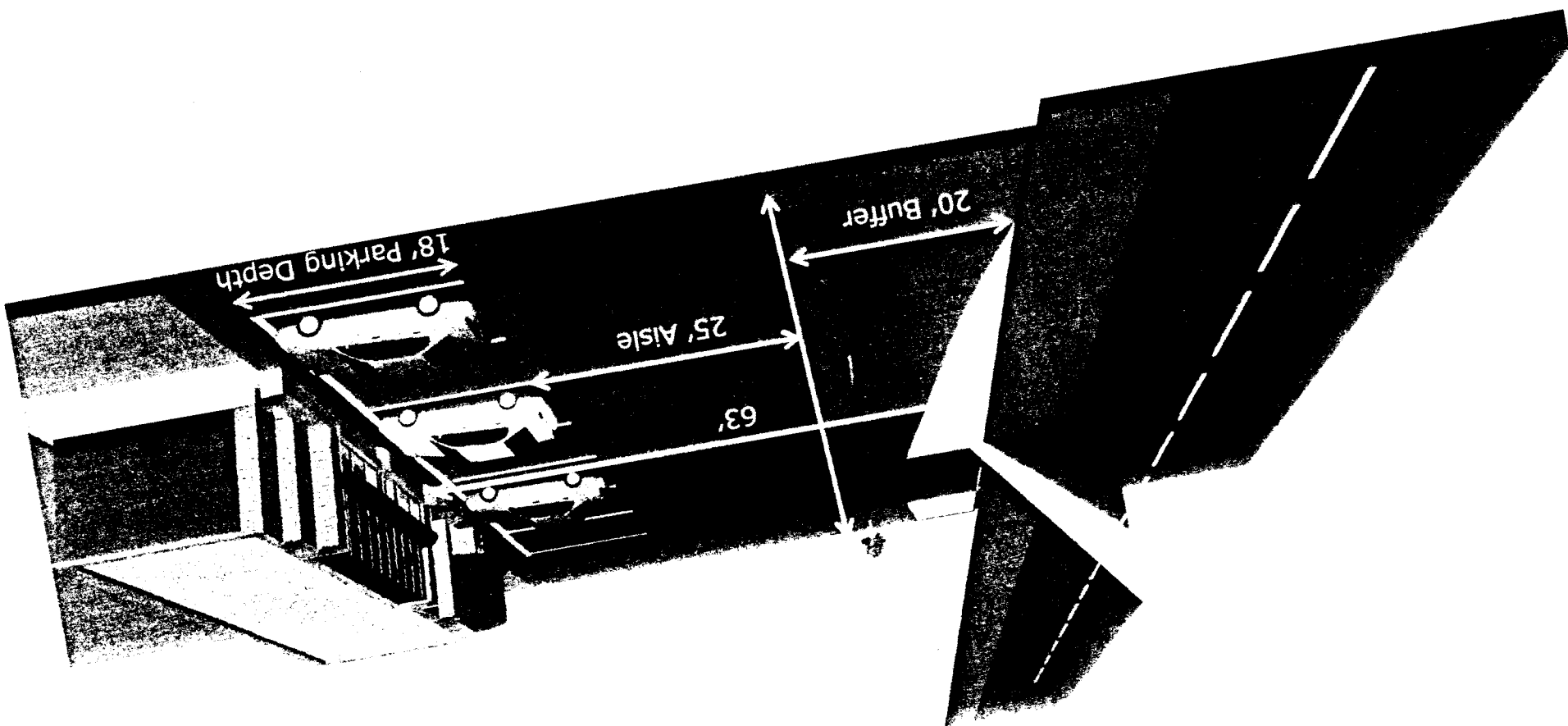
Consideration of the Development of the
(and a note)



100' x 100' x 100' (100' x 100')



400

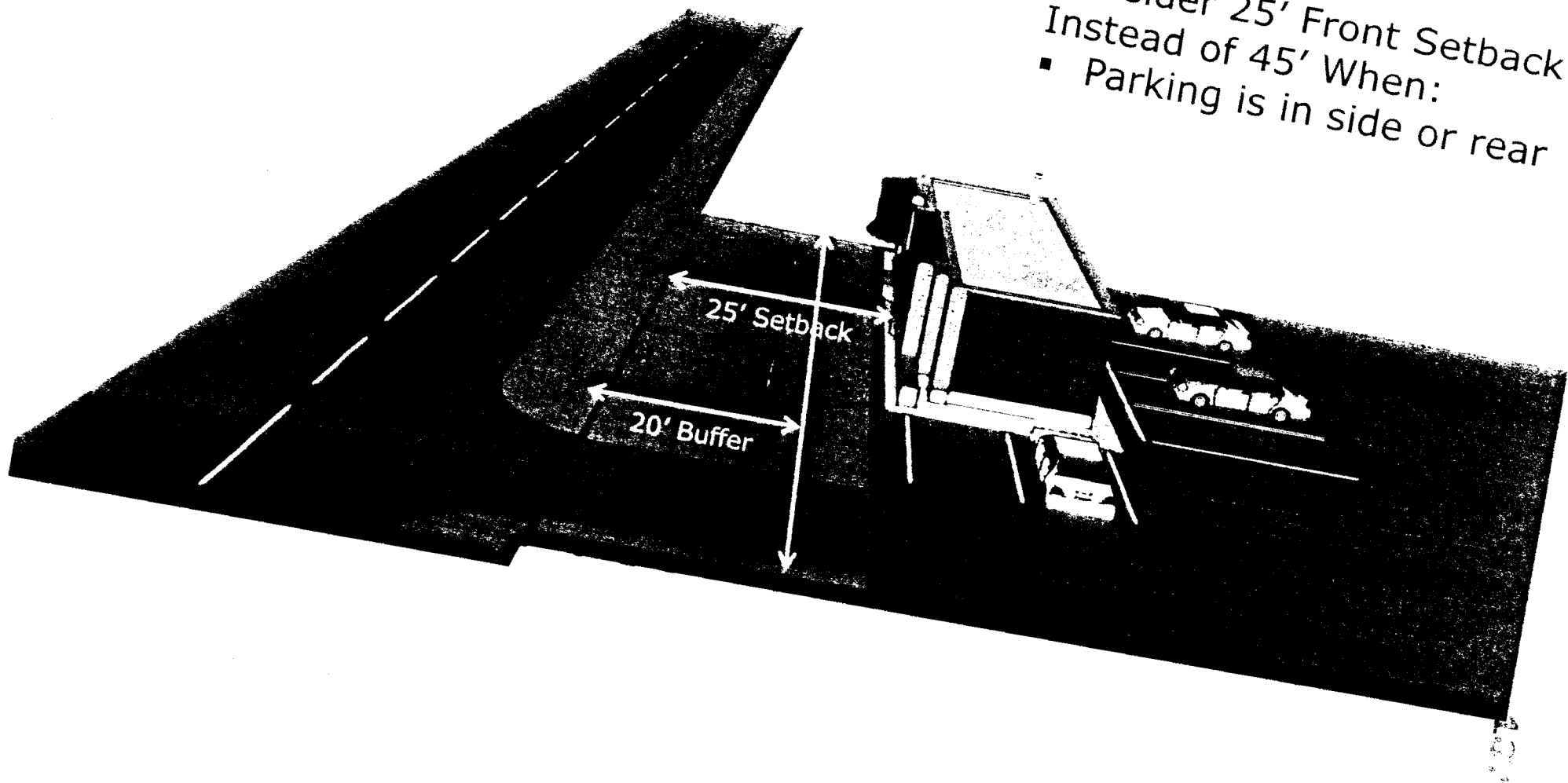


Commercial Development Standards
(OLD & NEW)

Consideration for Narrow Lots with Side or Rear Frontage

Consider 25' Front Setback
Instead of 45' When:

- Parking is in side or rear





Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

138

TO: Marty K. Lawing, County Manager
FROM: Jerry W. Pierce, P.E., Dir. of Public Utilities
Ext. # 2659

ACTION ITEM #: VIII-3
MEETING DATE: April 1, 2013
DATE SUBMITTED: March 22, 2013

ISSUE/ACTION REQUESTED:

PUBLIC HEARING: ☐ YES ☒ NO

Approve of the Wellhead Protection Plan and authorize the Director of Public Utilities to implement the recommendations contained the Wellhead Protection Plan.

BACKGROUND/PURPOSE OF REQUEST:

The North Carolina Department of Environment and Natural Resources (NC DENR) requires water plants that use groundwater as their primary source for raw water to develop and implement a Wellhead Protection Program. The NC Rural Water Association has drafted a Wellhead Protection Plan for Brunswick County. The NC Rural Water Association has drafted a number of these plans for local governments throughout the state and this service is included as a part of membership in the association. As a result, the study was performed at no additional cost to the County.

In the Wellhead Protection Plan the threat from outside sources was evaluated for each well that supplies water to the NC 211 Water Treatment Plant. The Wellhead Protection Plan includes several recommendations related to the regulation and location of underground storage tanks near wells, location of landfills and hazardous materials storage near wells, and use of agricultural chemicals near wells. The County is responsible for providing information to property owners in the area of the wells outlining the potential issues that may impact the wells and steps to resolve any current or future issues.

The County was required to advertise the availability of the Wellhead Protection Plan and allow public comment for a thirty-day period. A notice was published in The Brunswick Beacon and The State Port Pilot. The County received no comments during the thirty-day period.

Staff recommends approval of the Wellhead Protection Plan and that the Director of Public Utilities be authorized to implement the recommendations of the Wellhead Protection Plan.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
CAPITAL PROJECT/GRANT ORDINANCE REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
PRE-AUDIT CERTIFICATION REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
REVIEWED BY DIRECTOR OF FISCAL OPERATIONS	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

CONTRACTS/AGREEMENTS:

REVIEWED BY COUNTY ATTORNEY: ☐ YES ☐ NO ☐ N/A

ADVISORY BOARD RECOMMENDATION:



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

139

COUNTY MANAGER'S RECOMMENDATION:

Approve the Proposed Wellhead Protection Plan for Brunswick County and Authorize the Director of Public Utilities to Implement the Plan.

ATTACHMENTS:

1. Copy of Wellhead Protection Plan
 2. Copy of Ad
 3. Recommendations
-

ACTION OF THE BOARD OF COMMISSIONERS

APPROVED:

☐

DENIED:

☐

DEFERRED

UNTIL:

ATTEST:

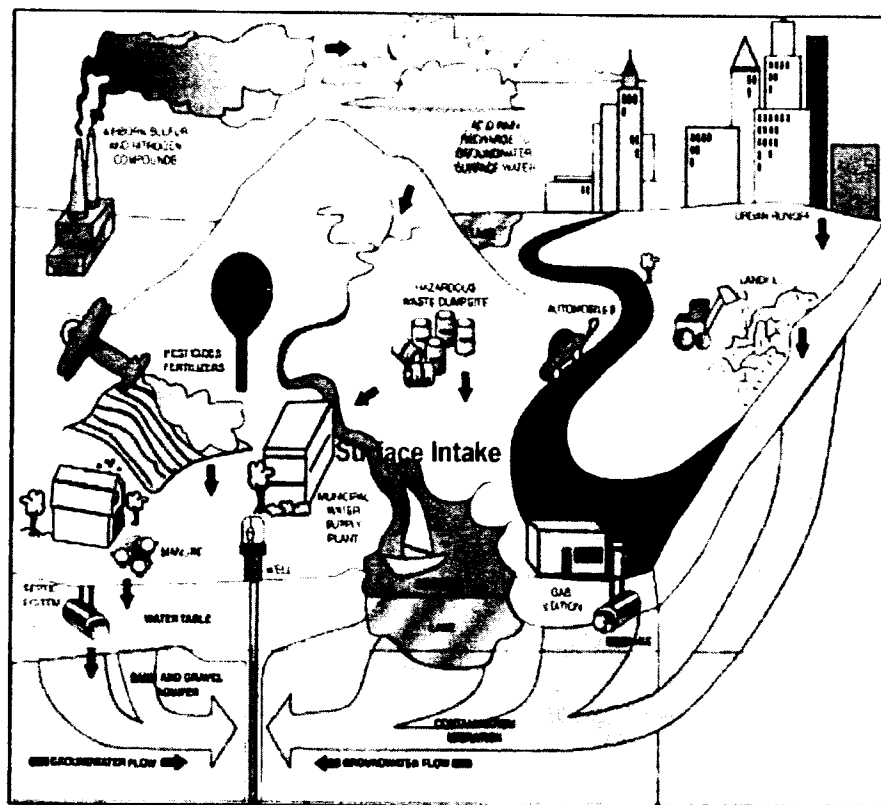
CLERK TO THE BOARD

SIGNATURE

OTHER:

**NEED MORE
INFORMATION?**
Brunswick County Public Utilities
910-454-0512

NC Rural Water Association
919-812-5500



WELLHEAD PROTECTION PLAN

*Brunswick
County
Protecting Our
Community's
Water Supply*

WHAT IS GROUNDWATER?

Groundwater is precipitation that has soaked into the ground and is stored in pores between the soil or in cracks in the bedrock. Brunswick County uses groundwater it pumps from the ground using 14 wells located in its service area.

THE WELLHEAD PROTECTION PLAN

Brunswick County is developing a Wellhead Protection Plan to protect its water supply from contamination. As a part of the program, it has identified vulnerable areas around its wells called "Wellhead Protection Areas". Chemicals and other pollutants spilled or dumped in these areas can be drawn into the wells, possibly contaminating our community's drinking water supply. Residents and businesses in these areas must be very careful with chemicals and other potential pollutants.



POLLUTION SOURCES

Many things we do in our daily lives can pollute our surface and groundwaters.

Sources of groundwater pollution include:

- Used oil, paint thinner, gasoline and other chemicals poured on the ground
- Leaking storage tanks (aboveground and underground)
- Overuse of pesticides and fertilizers on lawns, golf courses and agricultural fields
- Chemical spills at businesses, farms and along highways
- Illegal dumps and poorly managed landfills
- Failing septic tanks
- Leaking sewer lines
- Improperly abandoned wells
- Unlined waste pits, ponds and lagoons

NEED MORE INFORMATION?

Brunswick County Public Utilities
910-454-0512

NC Rural Water Association
919-812-5500
www.ncrwa.com

HOW CAN YOU HELP?

Water is our most valuable natural resource – we must protect it! You can help by doing your part to protect our supply and by supporting this program.

Here are some tips:

- Never pour used oil, paint thinner or other hazardous chemicals on the ground or down the drain. Take them to a recycling center or to a Household Hazardous Waste Collection Day. For more information call the Brunswick County Solid Waste Department at 910-253-2524.
- Check for and fix leaks in storage tanks (i.e. home heating oil/kerosene) at your home or business
- Inspect and pump your septic tank as needed
- Have any unused wells on your property properly abandoned
- Minimize your use of pesticides and fertilizers and store them properly
- Clean up junk and debris on your property
- Report all chemical spills immediately
- Encourage community leaders and businesses to do everything possible to protect our drinking water supply

PUBLIC NOTICE

Brunswick County, with assistance from the North Carolina Rural Water Association, is in the process of developing a Wellhead Protection Plan. This is a voluntary program intended to assist in protecting the County's water supply from contamination and to identify vulnerable areas around their wells called "Wellhead Protection Areas." Another goal of this program is to make residents and businesses aware that chemicals and other pollutants spilled or dumped in the vicinity of the "Wellhead Protection Areas" can be drawn into the wells, possibly contaminating the County's drinking water supply.

A draft copy of the Wellhead Protection Plan is available for review and comment at the Public Utilities Operations Center located at 250 Grey Water Road, Supply, NC. The public is invited to review the plan and submit any comments or suggestions to Brunswick County. All written comments will be reviewed by the Wellhead Protection Committee and any suggestions or comments that may be beneficial will be incorporated into the plan. All comments must be received by close of business March 15, 2013.

If you have any questions or comments, please contact Brunswick County's Water Resources Superintendent Jeremy Sexton at 910-454-0512.

Wellhead Protection Plan Brunswick County, North Carolina



January 28, 2013

PWS ID#

04-10-045

Contact Name: Jeremy Sexton

Position: Water Resources Superintendent

jsexton@brunsko.net

Phone: (910) 454-0512

Fax: (910) 457-9183

PO Box 249

Bolivia, North Carolina 28422



Management of the Wellhead Protection Area

There are two methods of managing a Wellhead Protection Area. They are regulatory and non-regulatory. Brunswick County has chosen the non-regulatory management method.

A Wellhead Protection Brochure (tri-fold) or newsletter will be delivered to each resident, business, agricultural operation and industry within the Wellhead Protection Area. Copies of this brochure or letter will be made available at the Brunswick County Water Department and other locations deemed necessary for public education on Wellhead Protection. In general, the brochure or letter will convey to each citizen/business the following information:

- 1- An explanation of what groundwater is and the number of wells in their particular system
- 2- An explanation of what a Wellhead Protection Program is
- 3- Sources of groundwater pollution
- 4- Phone numbers to contact for more information
- 5- Tips on protecting their water supply such as:
 - Proper disposal of household hazardous wastes and oils (i.e., not disposed of through septic systems, pouring on ground, or through regular garbage collection)
 - Proper use and storage of fertilizers and pesticides
 - Proper maintenance of home heating oil tanks and septic systems

Brunswick County will provide information to each business, industry, and farm located within the WHPAs on waste handling practices, best management practices, standard operating procedures, and waste oil disposal methods which could be employed to reduce the potential for ground water contamination. Brunswick County will also provide information regarding the North Carolina Division of Environmental Assistance and Outreach (DEAO) to each business, industry, and farm located within the WHPA. Owners/operators of potential contamination sources will be encouraged to contact the DEAO. The DEAO provides free technical and other non-regulatory assistance to reduce the amount of waste released into the air and water and on the land. The DEAO serves as a central repository for waste reduction and pollution prevention information. The DEAO emphasizes waste reduction through pollution prevention, encourages companies and government agencies to go beyond compliance, and provides information about the environmental permitting process. This information is provided at no charge to North Carolina businesses, industries, government agencies, and the general public upon request. For additional information, the DEAO may be contacted at 1-877-623-6748 or to report an environmental emergency, call 1-800-858-0368. Their website is <http://portal.ncdenr.org/web/deao/>.

Personnel in Brunswick County will be educated on Wellhead Protection and steps they can take to reduce the potential for contamination (e.g., information about best management practices, standard operating procedures, waste handling practices, etc.). Brunswick County will also contact the North Carolina Division of Environmental Assistance and Outreach (DEAO) to investigate steps that the County can take to reduce the amount of waste released into the air and water and on the land at County owned and/or managed facilities.

Owners of improperly constructed/abandoned wells within the WHPAs will be provided information regarding the threat posed to the water supply by these wells. Owners of improperly constructed/abandoned wells will be encouraged to have these wells properly abandoned in

accordance with NC's well construction standards found at 15A NCAC 2C.0100, "Criteria and Standards Applicable to Water Supply and Certain Other Wells". If information exists that a well is improperly constructed or is contributing to the contamination of groundwater, Brunswick County will notify the Aquifer Protection Section, Division of Water Quality.

All owners/operators of regulated underground storage tanks (USTs) and other facilities subject to federal and/or state regulations located within the WHPA will be requested to supply documentation that their facility is in compliance with said regulations. Operators of UST's will be asked to supply the town with a copy of their UST permit. If any UST sites are found to be non-compliant, the Underground Storage Tank Section of the State Division of Waste Management will be notified. There are no such facilities within the WHPA at this time.

If an abandoned UST site is found, Brunswick County will contact the North Carolina Division of Waste Management, UST Section, to determine if a closure report was submitted demonstrating that no soil or groundwater contamination was identified during the removal of UST's. If a closure report was not submitted, Brunswick County will notify the UST Section of the location of the facility within the WHPA and its proximity to a public water supply well.

For soil or ground-water contamination incidents occurring within the WHPA, Brunswick County will contact the State agencies with oversight responsibilities for remediation to determine if remediation efforts are proceeding in a timely fashion and in accordance with any schedules established by these agencies. Through this process, the County will bring to the attention of the State agencies with oversight responsibilities for remediation any failures by the responsible parties to comply with required monitoring and corrective action. Brunswick County will also notify the State agencies with oversight responsibilities for remediation of the location of the facility within the WHPA and its proximity to a public water supply well. There are no such facilities within the WHPA at this time.

Household Hazardous Waste Collection in Brunswick County - notification for a fall event.
There is also an event held every spring.

The Brunswick County Solid Waste Department will be at South Brunswick Middle School from 9 am to 2 pm to collect household hazardous waste. Items will be taken free of charge from Brunswick County Residents. Must show proof of Brunswick County residency.

Some items that are accepted at the HHW collection are various paints, stains, insecticides, herbicides, household cleaners, automotive fluids, pool chemicals, batteries, fluorescent bulbs, CFL's, and aerosol cans. For items not mentioned please contact the Brunswick County Solid Waste Department at 910-253-2524. All items brought to the event must be labeled. The staff onsite reserves the right to refuse any item brought to the event.

Electronics are not included in the HHW collection. They are recycled year round at the Brunswick County Landfill. There is no charge for this service.

The fall HHW event is sponsored by Brunswick County Solid Waste/Recycling department and the North Carolina Department of Agriculture and Consumer Services and NCCES.

All farms, residents, businesses, and industries in the WHPAs with septic tanks and home heating oil tanks will be distributed a copy of the Wellhead Protection Brochure and any other information Brunswick County can obtain from County and/or State agencies on proper septic tank and heating oil tank maintenance.

Any automotive repair shops in the Wellhead protection area currently, and any new businesses that move into the Wellhead Protection Area that produce auto wastes (oils, acids, anti-freeze, etc.) will be provided information on waste handling practices, best management practices, standard operating procedures, and waste oil disposal methods which could be employed to reduce the potential for ground water contamination. They will also be provided with information regarding the North Carolina Division of Environmental Assistance and Outreach (DEAO). Owners/operators of these facilities will be encouraged to contact the DEAO. There are no such facilities within the WHPA at this time.

Brunswick County will contact all facilities or agricultural operations within the WHPAs with pesticide storage or otherwise involved with the application of pesticides to ensure that they are pesticide operators licensed by the State of North Carolina and that proper records are maintained to ensure that all NC Pesticide Laws are adhered to. Brunswick County will provide information to these facilities or agricultural operations on waste handling practices, best management practices, standard operating procedures, and proper waste disposal methods which could be employed to reduce the potential for ground water contamination. These facilities will also be provided with information regarding the North Carolina Division of Environmental Assistance and Outreach (DEAO). There are no such facilities within the WHPA at this time.

Brunswick County will notify any individual, industry, business, or government agency installing or planning to install a regulated underground storage tank within the wellhead protection area of the following regulation:

North Carolina Underground Storage Tank (UST) Regulation 15A NCAC 2N .0301 stipulates specific siting and secondary containment requirements for UST systems installed after January 1, 1991. The rule is summarized as follows:

- (1) No UST system may be installed within 100 feet of a public water supply well or within 50 feet of any other well used for human consumption.
- (2) Secondary containment is required for UST systems within 500 feet of a well serving a public water supply or within 100 feet of any other well used for human consumption.

Violations of this regulation will be reported to the Division of Waste Management, Underground Storage Tank Section. The UST Section will also be notified of the location of the facility within the WHPA and its proximity to a public water supply well or any other well used for human consumption.

A regulated UST system is any underground storage tank and associated piping that contains petroleum (including gasoline, diesel and used oil) or a hazardous substance as defined by the State rules (15A NCAC 2N). Tanks containing heating oil for use on the premises where stored are not regulated.

Facilities with an underground buried storage capacity of more than 42,000 gallons of oil, or an aggregate above ground storage capacity greater than 1320 gallons of oil, or an above ground storage capacity of a single container in excess of 660 gallons are subject to the Oil Pollution Prevention regulations contained in Federal Regulations found at 40 CFR 112. These facilities must prepare and implement a Spill Prevention Control and Countermeasures (SPCC) Plan. The Association should verify the status of the SPCC Plan for each subject facility located within the WHPA. The North Carolina General Statutes require registration of any facilities storing more than 21,000 gallons of petroleum product. Subject facilities not in compliance with these regulations should be notified of their regulatory responsibility under this regulation. The Association should also notify the Division of Water Quality, Aquifer Protection Section if such facilities do not promptly come into compliance.

Brunswick County will contact the Division of Water Quality regarding facilities permitted to discharge wastewater to the land surface (Non-NPDES Permitted Facilities) to determine if any such operations located within the WHPA are in compliance with applicable regulatory and permit requirements pertaining to environmental protection such as routine monitoring and reporting requirements. Notification will be made to the Division of Water Quality if it is determined that the facility has failed to maintain compliance with any regulatory and/or permit requirements pertaining to environmental protection such as routine monitoring and reporting requirements.

Brunswick County will contact the Division of Water Quality regarding facilities with NPDES permits to determine if all such NPDES discharges are in compliance with applicable regulatory and permit requirements pertaining to environmental protection such as routine monitoring and reporting requirements. Notification will be made to the Division of Water Quality if it is determined that the facility has failed to maintain compliance with any regulatory and/or permit requirements pertaining to environmental protection such as routine monitoring and reporting requirements. Brunswick County Water Department will maintain compliance with conditions in the NPDES permits to discharge supernatant from lime sludge produced during the treatment process.

Brunswick County will contact the Division of Water Quality (DWQ) regarding any lagoon or hog farm located within its WHPAs. The Association will inform the DWQ of the lagoon or hog farm's location within a WHPA and its proximity to a public water supply well. It will also determine if the facility is in compliance with any regulatory and permit requirements pertaining to environmental protection such as routine monitoring and reporting requirements. Notification will be made to the Division of Water Quality if it is determined that the facility has failed to maintain compliance with any regulatory and/or permit requirements pertaining to environmental protection such as routine monitoring and reporting requirements. There are no such facilities within the WHPA at this time.

Brunswick County will contact all facilities within the WHPAs with pesticide storage or otherwise involved with the application of pesticides to ensure that they are pesticide operators licensed by the State of North Carolina and that proper records are maintained to ensure that all NC Pesticide Laws are adhered to. Brunswick County will provide information to these facilities on waste handling practices, best management practices, standard operating procedures, and proper waste disposal methods, which could be employed to reduce the potential for ground water contamination. These facilities will also be provided with information regarding the North Carolina Division of Environmental Assistance and Outreach (DEAO). There are no such facilities within the WHPA at this time.

New Public Water Supply Wells

Brunswick County will amend its Wellhead Protection Plan to include any new well(s) added to its water system. The following steps will be taken to address any new wells added to the water system.

1. Develop a preliminary WHPA for the proposed well in order to determine the area of vulnerability.
2. Develop a contaminant source inventory for the preliminary WHPA.
3. Submit the information obtained in items 1 and 2 above to the WPC committee identified in Section 1. Any information required by the Public Water Supply Section (PWSS) relating to the development and construction of new public water supply (PWS) wells must also be submitted.
4. If the WPC committee grants provisional approval of the proposed WHP Plan and the PWSS grants approval to construct or expand the PWS well or well system, then work may proceed with well construction.
5. Finalize the WHPA delineation for the new well.
6. Finalize the contaminant source inventory for the WHPA.
7. Submit finalized WHPA and contaminant source inventory to the WPC committee.
8. Once approval is received, implement any necessary regulatory and or non-regulatory potential source management practices.
9. Submit the amended WHP Plan and all necessary supporting information to the PWSS for review and approval.

Future Wellhead Protection

Brunswick County is aware that an effective local Wellhead Protection (WHP) Program is an ongoing process requiring monitoring of the Wellhead Protection Area (WHPA) and periodic review and updating of an approved WHP Plan. Therefore, Brunswick County's WHP Committee will monitor the WHPA for any new or previously unidentified potential contaminant sources (PCSs) and activities occurring within the approved WHPA. Brunswick County will amend the PCS inventory and other Plan components (e.g. the management strategies, emergency contingency plan, etc.) as necessary to incorporate any new threats to the County's ground-water source of drinking water. Additionally, the PCS inventory will be updated annually using the same procedures used to develop the original PCS inventory. Brunswick County will also fully update the WHP Plan every five years or at any time a new well is constructed for use with the County's water supply system or a major land use change occur within a WHPA. The individual responsible for implementation of the WHP Plan will submit notification to the Public Water Supply Section annually upon completion of the PCS inventory update or immediately following the completion of a major revision. Any amended or revised sections of the approved WHP Plan resulting from an update or revision will also be submitted upon completion.



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

149

TO: Marty K. Lawing, County Manager

ACTION ITEM #: VIII-4

FROM: Ann Hardy

MEETING DATE: 4/01/13

Ext. # 2060

DATE SUBMITTED: 3/22/13

ISSUE/ACTION REQUESTED:

PUBLIC HEARING: ☐ YES ☐ NO

Agreement For Funding The Brunswick Connector-For Approval

BACKGROUND/PURPOSE OF REQUEST:

Background Information

In 2004, due to urging from Commissioner Sue, Laney Wilson used contingency funds from the Transportation Advisory Council of the MPO to establish a Brunswick bus transit route. In 2008, the City of Wilmington felt the route should be self-supporting and worked with Brunswick commissioners to establish a formula for municipal and county contributions. Recently, Belville opted out of the consortium and stopped funding the route. The route was revised with input from the Towns of Leland and Navassa to provide for stops within Brunswick County that are favorable to Brunswick County businesses.

Current Situation

WAVE transit officials requested a meeting of the members of the Brunswick consortium. Claudia Bray of Navassa, David Hollis of Leland and I attended the meeting last week. Officials of WAVE expressed their desire for a long-term funding agreement to support 25% of the operating costs of the route and provide 10% of the capital costs every 3rd year. The meeting was followed with WAVE officials sending the attached letter and a draft agreement for consideration. WAVE officials expressed that time is of the essence and the need for a tentative answer by the first of April.

The Towns of Leland and Navassa expressed their desire to keep the route and a pledge of future support. The County, Navassa, and Leland provided more funding in FY 13 to maintain the route when Belville opted out. Leland is planning to include \$50,000 in their budget this year. In 2012, Belville provided \$5,239, Navassa \$7,123, Leland \$18,791 and Brunswick County at \$9,492.

The 2013 Funding was as follows:

	2013	%
Brunswick	\$ 13,890	18.94%
Leland	49,465	67.43%
Navassa	10,000	13.63%
	<u>\$ 73,355</u>	<u>100.00%</u>

WAVE officials estimate that the Brunswick Consortium's share of costs, after all grants and fares, in FY 14 will total \$91,875 as outlined in item 2. of the attached draft agreement. That represents a 25.25% increase over the FY 13 levels. A main component of the increase is the desire to include all

overhead costs in calculating the Brunswick connector route cost so that there is no subsidy by New Hanover County or the City of Wilmington. Alternate 1 below calculates each Brunswick participant's cost based on increasing the 2014 costs by the 25.25% overall cost increase from FY 13.

			2014 Request with % Increase Requested		ALTERNATE 1	
	2013	%	Distributed Evenly	% of Total	\$ increase	
Brunswick	\$ 13,890	18.94%	17,397	19%	3,507	
Leland	49,465	67.43%	61,953	67%	12,488	
Navassa	10,000	13.63%	12,525	14%	2,525	
	<u>\$ 73,355</u>	<u>100.00%</u>	<u>91,875</u>	<u>100%</u>	<u>18,520</u>	

Alternate 2 below includes Leland at \$50,000 as planned in their budget, increases Navassa by 25.25% for the % increase requested with the county providing the remaining funding up to the amount requested.

			Leland at \$50,000 and Navassa % increase requested with County to provide		ALTERNATE 2	
	2013	%	balance	% of Total	\$ increase	
Brunswick	\$ 13,890	18.94%	29,350	31.95%	15,460	
Leland	49,465	67.43%	50,000	54.42%	535	
Navassa	10,000	13.63%	12,525	13.63%	2,525	
	<u>\$ 73,355</u>	<u>100.00%</u>	<u>91,875</u>	<u>100.00%</u>	<u>18,520</u>	

There was some discussion that Brunswick County's support should be a similar percentage to the amount provided by New Hanover County as compared to the City of Wilmington. In 2012, New Hanover county provided 11% of the City of Wilmington and in 2013 New Hanover County provided 20% of the City of Wilmington. WAVE officials anticipate that in 2014 New Hanover County will provide 39% of the amount provided by the City of Wilmington.

A second component of the draft agreement is to charge the Brunswick consortium \$13,500 of capital assistance in FY 2014. WAVE estimates the life of the bus to be 3 years and desires that the participants provide a capital charge not covered by grant funds every third year. Below are estimates of each participant's share of the capital cost under the 2 alternates.

	Estimate of Capital Cost ALTERNATE 1	Estimate of Capital Cost ALTERNATE 2
Brunswick	2,556	4,313
Leland	9,103	7,347
Navassa	1,840	1,840
	<u>13,500</u>	<u>13,500</u>

The draft agreement begins on 7/1/2013 and continues thru 6/30/2016 with renewal annually until 6/30/2020 but may be terminated with 90 days written notice. Each participant is jointly and severally liable for the entire agreement.

Recommendation

Staff requests that the Board provide guidance to staff as to offering a tentative answer to the Authority and the towns.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
CAPITAL PROJECT/GRANT ORDINANCE REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
PRE-AUDIT CERTIFICATION REQUIRED:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
REVIEWED BY DIRECTOR OF FISCAL OPERATIONS	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

CONTRACTS/AGREEMENTS:

REVIEWED BY COUNTY ATTORNEY:	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
-------------------------------------	------------------------------	-----------------------------	------------------------------

ADVISORY BOARD RECOMMENDATION:

COUNTY MANAGER'S RECOMMENDATION:

Approve an Appropriation for the Brunswick Connector in FY 2013-2014 Annual Budget and Decline Proposed Multi-Year Funding Agreement as Drafted.

ATTACHMENTS:

1. Draft Agreement
 2. WAVE letter
 3. WAVE route information
-

ACTION OF THE BOARD OF COMMISSIONERS

APPROVED:

☐

DENIED:

☐

DEFERRED

UNTIL:

ATTEST:

CLERK TO THE BOARD

SIGNATURE

OTHER:

Suggested revisions to propose to WAVE as discussed with Leland and Navassa

1. Annual Budget Appropriation. The individual members of the Brunswick Consortium agree to notify the Authority no later than April 15th of each year regarding their intent to appropriate funding for the route in the budget for the up-coming fiscal year. The funding appropriation for FY 2013-2014 is Brunswick County \$29,350, Town of Leland \$50,000 and City of Navassa \$12,525 for a total of \$91,875. Should any member fail to notify the authority of the intended appropriation, then all remaining members of the Brunswick Consortium shall be notified in writing. The remaining members shall have until July 1 to respond to the authority as to their intentions regarding funding the route.
2. Capital Appropriations. The individual members of the Brunswick Consortium agree to notify the Authority no later than April 15th of each third year regarding their intent to appropriate funding for a bus replacement in the up-coming fiscal year. The capital appropriation for FY 2013-2014 is Brunswick County \$4,313, Leland \$7,347 and Navassa \$1,840 for a total of \$13,500.
3. Payment. The annual budget appropriation for operations and capital from each member is due to the authority in one installment no later than July 15th. Should any member fail to pay their annual installment in full by July 15th, the authority shall notify the remaining members. The remaining members shall have until July 31 to either provide the deficit or notify the authority of their intentions.
4. Termination. If the authority terminates the route for non-payment by a member or for other reasons, the members will be refunded their portion of the amount paid for the period that has not expired. For example, if the route is terminated on August 31st, then 10/12th of the annual amount paid shall be refunded to members that paid their share. The members that paid their share shall not have funds withheld for any member that did not pay their share. Furthermore, this Agreement shall cease either by mutual agreement or upon the termination of Federal and/or State funding or ninety (90) advanced written notice. All funding amounts will be prorated to the date of termination.
5. Duration. Unless terminated as set forth in number 4 above or hereafter, the arrangement shall commence on July 1, 2013 and continue annually subject to appropriation as outlined in number 1 above. The agreement is based on the current route and services provided.
6. Personnel. The Cape Fear Public Transportation Authority, or other respective contractors to the AUTHORITY to the mutual agreement of the parties, shall provide all services necessary for the provision of the services described in this Agreement.

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

AGREEMENT FOR FUNDING THE BRUNSWICK CONNECTOR

This Agreement made and entered into this the ____ day of _____, 2013 by and between The Cape Fear Public Transportation Authority (AUTHORITY), a North Carolina Public Transportation Authority, and the following parties; Brunswick County, North Carolina, a North Carolina Body Politic and Corporate (COUNTY), the Town of Leland, North Carolina, a North Carolina Municipal Corporation (TOWN), the Town of Navassa, North Carolina, a North Carolina Municipal Corporation (TOWN), hereinafter jointly and severally liable and referred to as the Brunswick Consortium.

WITNESSETH

WHEREAS, New Hanover County, the City of Wilmington, the North Carolina Department of Transportation and other urban area jurisdictions adopted the Wilmington Urban Area Transportation Plan 1999-2025 dated June 4, 1999 (Master Plan); and

WHEREAS, the City and County recognized that traffic and transportation concerns are shared between jurisdictions regardless of jurisdictional boundaries; and

WHEREAS, effective July 1, 2004, the City and County established the Cape Fear Public Transportation Authority, to jointly operate public transportation facilities and services throughout New Hanover County; and

WHEREAS, the AUTHORITY is currently the designated recipient for Federal Transit Administration (FTA) and North Carolina Department of Transportation (NCDOT) public transportation funding for the Metropolitan Planning Organization defined boundary which includes northern Brunswick County; and

WHEREAS, the AUTHORITY has provided a public transportation route in northern

Brunswick County serving the towns of Leland, Belville and Navassa since 2004 called the Brunswick Connector; and

WHEREAS, local funding for the Brunswick Connector has been paid by the COUNTY and TOWNS to the AUTHORITY since July 2007 to subsidize the operating cost of the route;

NOW, THEREFORE, for and in consideration of the promises and other good and valuable consideration set forth herein, the AUTHORITY, the COUNTY and TOWNS hereby agree as follows:

1. **Financing.** In accordance with the original agreement between the Wilmington Urban Area Metropolitan Planning Organization (WMPO) and the Transportation Advisory Committee (TAC), at least twenty-five percent (25%) of the funding for the Connector would be provided by the Brunswick Consortium. The Brunswick Consortium also agrees to pay up to twenty percent (20%) of the cost of capital equipment provided to the route. Any capital cost will be confirmed in writing with the Brunswick Consortium prior to purchase. Operating funding is due in two installments equaling one half the annual allocated funding on July 5 and January 5 each year, Capital funding is due net 10 of invoice date.

2.

The estimated annual operating cost and estimated revenues for the Brunswick Connector are reflected below:

Estimated costs	\$390,000
Fares (30,000 x .75)	<u>\$ 22,500</u>
Net Costs	<u>\$ 367,500</u>
Estimated revenues:	\$ 377,500
Brunswick Consortium (25%)	\$ 91,875
SMAP (25%)	91,875
Federal (50%)	183,750

The estimated capital cost and estimated funding for capital are reflected below:

Estimated cost	<u>\$ 135,000</u>
Estimated Revenues:	\$ 135,000
Brunswick Consortium (10%)	\$ 13,500
State* (10%)	13,500
Federal (80%)	108,000

*State funding is considered local match for Federal Capital purchase and not guaranteed. Both the operating and Capital costs are estimated and are subject to change. Operating costs will be adjusted annually based on the most recent estimates and not to increase by more than the Consumer Price Index reflected as of May 1 of the year prior to the annual contract date.

3. **Duration.** Unless terminated as set forth hereafter, the arrangement shall commence on July 01, 2013 and continue until June 30, 2016, then renew annually until June 30, 2020. The agreement is based on the current route and services provided.
4. **Personnel.** The Cape Fear Public Transportation Authority, or other respective contractors to the AUTHORITY to the mutual agreement of the parties, shall provide all services necessary for the provision of the services described in this Agreement.
5. **Termination.** This Agreement shall cease either by mutual agreement or upon the termination of Federal and/or State funding and/or non participation by any of the participating entities evidenced by ninety (90) day advance written notice. All funding amount will be prorated to date of termination.

IN WITNESS WHEREOF, The Cape Fear Public Transportation Authority has caused this instrument to be executed in its behalf by its Board of Directors through its Chairman as authorized by resolution duly adopted at its regular meeting held on the ____ day of _____, 2013, attested by its Secretary and its corporate seal to be hereto affixed; and the County of Brunswick has caused this instrument to be executed in its behalf by its Board of Commissioners through its Chairman as authorized by resolution duly adopted at its regular meeting held on the ____ day of _____, 2013, attested by its Clerk, and the Town of Leland has caused this instrument to be executed in its behalf by its Town Council through its Mayor as authorized by resolution duly adopted at its regular meeting held on the ____ day of _____, 2013, attested by its Clerk and its corporate seal to be hereto affixed on the dates hereinafter set forth, and the Town of Navassa has caused this instrument to be executed in its behalf by its Town Council through its Mayor as authorized by resolution duly adopted at its regular meeting held on the ____ day of _____, 2013, attested by its Clerk and its corporate seal to be hereto affixed on the dates hereinafter set forth.

This the ____ day of _____, 2013.

**CAPE FEAR PUBLIC
TRANSPORTATION AUTHORITY**

(SEAL)

By: _____
David R. Scheu, Chairman

ATTEST:

Don Betz, Secretary

This instrument has been pre-audited
in the manner required by the Local
Government Budget and Fiscal Control Act.

APPROVED AS TO FORM:

Joseph Mininni
Director of Finance & Administration

Andrew W. Olsen
Authority Attorney

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, _____, a Notary Public in and for the State and County aforesaid,
certify that Don Betz personally came before me this day and acknowledged that he is
Secretary of the Cape Fear Public Transportation Authority, and that by authority duly given and
as the act of the Authority, the foregoing instrument was signed in its name by its Chairman,
sealed with its corporate seal and attested by himself as Secretary.

Witness my hand and official seal, this the ____ day of _____, 2013.

Notary Public

My Commission Expires: _____

11-11-13

(SEAL)

BRUNSWICK COUNTY

By: _____
Chairman

ATTEST:

Clerk

NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public of the State and County aforesaid, certify that _____ came before me this day and acknowledged that he/she is Clerk of the County of Brunswick, a North Carolina Body Politic and Corporate, and that by authority duly given and as the act of the town, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal and attested by him/herself as its Clerk.

WITNESS my hand and official seal, this ____ day of _____, 2013.

Notary Public

My commission expires: _____

(SEAL)

TOWN OF LELAND

By: _____
Mayor

ATTEST:

Clerk

NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public of the State and County aforesaid, certify that _____ came before me this day and acknowledged that he/she is Clerk of the Town of Leland, a North Carolina municipal corporation, and that by authority duly given and as the act of the Town, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by him/herself as its Clerk.

WITNESS my hand and official seal, this ____ day of _____, 2013.

Notary Public

My commission expires: _____

(SEAL)

TOWN OF NAVASSA

By: _____
Mayor

ATTEST:

Clerk

NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public of the State and County
aforesaid, certify that _____ came before me this day and acknowledged
that he/she is Clerk of the Town of Navassa, a North Carolina municipal corporation, and that by
authority duly given and as the act of the town, the foregoing instrument was signed in its name
by its Mayor, sealed with its corporate seal and attested by him/herself as its Clerk.

WITNESS my hand and official seal, this ____ day of _____, 2013.

Notary Public

My commission expires: _____



Brunswick Connector Meeting

Date: March 7, 2013

Subject: Funding of the Route

Attendance: Ann Harding, Brunswick County; David Holland, Town of Leland; Claudia Bray, Town of Navassa;

From Wave Transit; Capt. David Scheu, Chairman; George Dolan, Finance Chair;
Albert Eby, Executive Director; Megan Methany, Planning Director; Joseph Mininni,
Director of Finance

Thank you everyone for attending today's meeting. We at Wave Transit are committed to providing reliable, safe, affordable public transportation to our communities and we will do everything within our means to assist in that goal. As we all know it takes local input and funding to make this happen. The Authority has the privilege of servicing two counties which can be challenging at times. We hope that our discussions will educate and encourage the members of our Brunswick County community to come together to assist us in facing those unique challenges.

To recap our meeting, Wave Transit is looking to the Brunswick County community to share proportionally in the funding of the Brunswick Connector Route with a long term commitment to do so. The route cost approximately \$400,000 per year to run. Along with the normal operating cost of running the route there is the cost of capital equipment in the form of a vehicle. The cost of replacing that vehicle is approximately \$135,000. The vehicle has a life expectancy of 3 years. We have run the connector route since 2004 and have yet to request any assistance in sharing in the capital cost of equipment.

The Authority has potentially available to it operating and capital assistance equal to 75 and 90 percent respectfully from Federal and State funding sources. Based on those subsidy levels we would be looking for the Communities of Brunswick County to provide up to \$100,000 or 25% in operating and at a minimum \$13,500 in capital assistance for fiscal year 2014. Please note that the Authority is willing to designate up to \$100,000 in SMAP funding to the Brunswick route. That is truly a disproportionate share of SMAP funding being dedicate to one route, about 1/6th of the total SMAP funds received.

We stress that the Authority potentially has funds available to it for operating and capital. We are not guaranteed any federal, state or local funding and currently only know for sure that we have \$1,163,000 available to us in federal operating assistance for next year. We prepare our annual budget based on many unknowns, from funding levels to estimates of insurances and fuel costs. It is common for us to enter a fiscal year not knowing funding levels for the year.

We hope that the information provide at this meeting will assist you in seeking some type of commitment from your respective boards and governing bodies. We will need a tentative answer by the first of April and the execution of an agreement in April. The numbers provided are extremely close to what we are looking to receive this coming year and in future years. We will review and confirm the amounts presented, taking into consideration a reasonable credit for fares collected. We will also be preparing an MOU covering a minimum of a 3 year period. The MOU will be a joint agreement between the Brunswick Connector Consortium and Wave Transit, making each member responsible for the full amount of the agreement annually. The route cannot operate on less than a full commitment and funding each year. This agreement will be considered an integral part to the continuation of the route.

In the interim, we encourage the Towns and County to discuss this matter jointly to determine the funding levels being pledged by each. We cannot stress enough that this is one route and not three or four separate routes with players entering and exiting the agreement. If you have any questions or concerns about the information provided, please do not hesitate to contact us.



Commuting Patterns for Customers Utilizing Route 204 Brunswick Connector

March 2013

Commuters residing in Brunswick County	66%
Commuters residing in New Hanover County	34%
Brunswick County residents travelling within the County	38%
Brunswick County residents travelling to New Hanover County	62%
New Hanover County residents travelling to Brunswick County for work and/or school	73%
Brunswick County residents travelling to New Hanover County for work and/or school	50%
Brunswick County residents travelling within the County for work and/or school	82%



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

103

TO:	Marty K. Lawing, County Manager	ACTION ITEM #:	<u>VIII-5</u>
		MEETING DATE:	<u>4/1/13</u>
FROM:	Anthony Marzano, Emergency Services Director Ext. # 2564	DATE SUBMITTED:	<u>3/25/13</u>

ISSUE/ACTION REQUESTED:

PUBLIC HEARING: ☐ YES ☒ NO

Request that the Board of Commissioners accept a proposal and contract with Stewart Cooper Newell Architects of Gastonia for professional architectural and engineering services associated with the E911 PSAP consolidation grant construction project at the emergency services center.

BACKGROUND/PURPOSE OF REQUEST:

In 2012, Emergency Services received approval to apply for a grant through the NC 911 Board to construct a new facility adjacent to the existing emergency services center which would house the new consolidated 911 center and related functions. Brunswick County was awarded a no-match grant of \$2.1 Million for construction.

A request for qualifications was published in November 2012 with four firms submitting responses to the request. A project management committee was convened and reviewed the submissions, examined qualifications, checked references, and conducted site visits of projects and an interview meeting with SCN principals at their offices in Gastonia.

The negotiated project scope and fee proposal submitted by SCN totals \$200,000 for professional services, plus the cost of certain reimbursable expenses.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
CAPITAL PROJECT/GRANT ORDINANCE REQUIRED:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
PRE-AUDIT CERTIFICATION REQUIRED:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
REVIEWED BY DIRECTOR OF FISCAL OPERATIONS	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

CONTRACTS/AGREEMENTS:

REVIEWED BY COUNTY ATTORNEY: ☐ YES ☐ NO ☐ N/A

ADVISORY BOARD RECOMMENDATION:

COUNTY MANAGER'S RECOMMENDATION:



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
 2013

Approve Architectural and Engineering Services Proposal of Stewart Cooper Newell Architects for the Design of the Emergency Communications Center Expansion Project and the Associated Budget Amendment and Capital Project Ordinance.

ATTACHMENTS:

1. Fee Proposal
 2. Contract
 3. _____
-

ACTION OF THE BOARD OF COMMISSIONERS

APPROVED: ☐
DENIED: ☐
DEFERRED
UNTIL: _____

ATTEST: CLERK TO THE BOARD

SIGNATURE

OTHER:



Stewart · Cooper · Newell

Brunswick County Emergency Services
PO Box 249
3325 Old Ocean Hwy
Bolivia, NC 28422

March 14, 2013
(rev 3/22/13)

Attn: Mr. Anthony Marzano, CEM Director

Re: New 911 Call Center Facility

Dear Anthony,

Thank you for allowing Stewart-Cooper-Newell Architects the opportunity to propose professional services for the upcoming Renovations and Additions project for the County Emergency Services Department, we are very excited by the project and do not take the responsibility lightly.

Per our conversations, and your request, this letter is to serve as our proposal for architectural and engineering services for a scope of work that would include an approximately 10,000 sf stand-alone addition to the existing facilities. We understand that the new facility would be placed at the rear of the current facility in a manner that would allow for future connection of the two facilities. The new structure would house a new 911 Call Center, Multiagency Coordination Center (EOC) the associated telcom and server equipment room(s) along with supporting offices, work rooms, storage rooms, required toilet facilities, mechanical equipment rooms and janitorial spaces.

Our scope of services would include standard Architectural, Civil, Structural, Plumbing, Fire Protection, Mechanical and Electrical design as required to properly design the proposed facility, as outlined in the standard Form of Agreement between Owner and Architect (AIA B101-2007, attached). Our scope would include the following:

Schematic Design:

- Review the existing program of spaces as provided by Brunswick County and make recommendations and revisions as necessary to meet the current needs of the county Emergency Management Department.
- Assist the County in creating an overall project budget to consist not only of the building construction and design costs but also other required items such as FF&E (Furniture, fixtures and equipment), geotechnical testing, surveying, state mandated special inspections, etc.
- Coordinate procurement of a current property survey of the building site and the surrounding impacted area, including topographical, existing utilities and drainage structures and possible wetlands delineation with a reputable surveyor that will be agreeable to all parties.
- Coordinate procurement of professional geotechnical services to ascertain the existing soils conditions for use in the structural design and civil engineering of the new facility and the site with a reputable engineering firm that is agreeable to all parties.
- Based on the Project's requirements agreed upon with the County, we shall prepare and present for the Counties approval a preliminary



design illustrating the scale and relationship of the Project components, including site plans, floor plans and elevations.

- Based on the Project's requirements agreed upon with the County for electrical, HVAC and plumbing loads, the design team will make recommendations for the owner's approval on how best to meet these needs with connections to existing systems or new systems and utility locations.
- Working with the county planning and engineering department we will establish how to address storm water management and possible wetlands impact.
- Based upon the approved schematic design and system selections, we will revise the estimate of the construction costs.

Design Development:

- Based upon the Counties approval of the schematic design and the estimated construction cost, we will prepare Design Development Documents for the Counties approval. These drawings will illustrate and describe in further detail the approved schematic design indicating the layout and character of building systems as to architectural, structural, mechanical and electrical systems. It will further illustrate the facility requirements as it relates to the existing properties addressing drainage, parking and other related requirements.
- Specific system decisions will be made with the Counties approval addressing critical infrastructure needs including UPS requirements, generator connection and run time requirements and if the existing system will meet these needs, specialty communications connectivity and routing requirements.
- We will review the estimate of construction costs and revise as necessary to reflect the decisions made during the Design Development phase of work.

Construction Documents:

- Based upon the Counties approval of the Design Development documents the design team will prepare complete drawings detailing the requirements for the new facility and written specifications setting forth in detail the level of quality of materials and systems to be incorporated into the facility, i.e. prepare all documents necessary including the Project Manual and Drawings to bid the project.
- We will make recommendations for and present to the County finish materials and colors for both interior and exterior construction materials. After approval of these materials this information will be incorporated into the final construction documents in preparation for bidding.
- We will assist the County in filing for required approval of governmental authorities having jurisdiction over the project. Please note that the final building permit will be acquired by the General Contractor after award of project; however, we will have already submitted for review and approval. Other permits such as NCDENR, Core of Engineers Wetlands permitting, etc. that may be required will be submitted for by



the designers as representatives for the owner so that the long lead times and approval process can begin as early as possible.

- We will work with the County to establish bidding requirements for the interested contractors and establish times, places and conditions of pre-bid meetings and bidding, work with the owner to create the necessary bid forms and WMBE requirements and forms for the project.
- We will review the estimate of construction costs and revise as necessary to reflect the decisions made during the Construction Document phase of work.

Bidding and Negotiations:

- Assist the County in establishing a list of prospective contractors and obtaining competitive bids for the work.
- Develop pre-qualification requirements for contractors with the assistance of the County and pre-qualify contractors for bidding.
- Provide reproduction services of the Bidding Documents and distribution of these documents to interested bidders. As the quantity of drawings and specifications, number of prospective bidders along with delivery charges cannot be known at this time, these will be billed per our reimbursable schedule.
- Organize and administer a mandatory pre-bid meeting for prospective bidders to allow them to visit the site of the work and to answer any questions that they may have concerning the Bid Documents.
- Prepare and distribute responses and clarifications to all questions that might arise from prospective bidders in the form of written addendums to the bid documents.
- Review and approve, or disapprove, request for substitutions of construction materials submitted by interested bidders.
- Organize and conduct the opening of bids, and subsequently documenting and distributing the bid results (bid tab) along with making a formal recommendations of award to the lowest responsible, responsive bidder.
- Assist the County in presenting the information, as may be necessary for approval by the County Commissioners.

Construction Administration:

- We will create the Construction Contract between the County and the approved contractor, assist in review by the county attorney and assist the owner in having it executed by all parties.
- We will visit and observe the work periodically as it progresses to keep the County informed of the progress and notify you of any known deviations from the contract documents and any defects or deficiencies observed.
- We will organize and conduct a monthly progress meeting at the job site to coordinate with a regularly scheduled site visit.
- We will review and certify the amounts due the Contractor and shall issue certificates of payment.



- We will review and take appropriate action on all submittals (shop drawings, product data and samples) submitted by the contractor to describe the work that he proposes to put in place.
- The design team will provide inspections at the end of the project to assist the owner in determining the completion of the project and to check conformance of the work with the contract documents.
- The design team will review final submittal documents, warranties and maintenance information provided by the contractor to assist the owner in verifying completeness.
- We will, with the Counties approval, issue notifications of substantial completions and review and approve final payment request.
- With as-built information provided by the General Contractor, along with addendum and change order information, we will update the drawings to provide Record Drawings in both printed and electronic (AutoCAD) format.
- Shortly before the end of the contractors initial 1 year warranty period, we will provide an inspection to determine any known deficiencies in the work that might need to be addressed by the contractor before the expiration of the 1 year period and assist the County in having the contractor make any needed repairs or adjustments.

Our proposed base fee to provide these design services is \$200,000 plus reimbursables. As the design moves forward, our civil engineer will be able to determine if additional work will be required for storm water BMP Design and Wetlands Impact Permitting, if these additional services are required the additional costs for this work will be \$5,000 and \$4,400, respectively

Once approved to proceed with the project, we will meet with the County and our consultants to finalize the program of spaces, assist the County in acquiring site surveys, wetlands delineations for verification of the need for wetlands impact permitting requirements and subsurface investigations and move forward expeditiously on the project.

We look forward to working with you on this very important project for the County.

Sincerely,

James R. Stumbo, AIA, LEED AP BD+C



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

169

TO: Board of Commissioners
FROM: Marty K. Lawing, County Manager

ACTION ITEM #: VIII-6
MEETING DATE: April 1, 2013
DATE SUBMITTED: March 26, 2013

ISSUE/ACTION REQUESTED:

PUBLIC HEARING: ☐ YES ☒ NO

Approval of a Lease Agreement Between the County of Brunswick and the State of North Carolina for Office Space in the Brunswick County Courthouse for the North Carolina Highway Patrol.

BACKGROUND/PURPOSE OF REQUEST:

Due to the relocation of the office of Congressman Mike McIntyre from the Brunswick County Courthouse approximately 350 square feet of office space on the first floor became available. Jim McCallum, Clerk of Court reviewed requests from several parties interested in occupying the space and recommended that the space would be suitable and meet the needs of the North Carolina Highway Patrol. The Highway Patrol has occupied a small mobile unit at the Brunswick County Government Center for many years.

The North Carolina Department of Public Safety property management division has presented a lease agreement outlining the terms and conditions under which the office space will be used by the Highway Patrol. Under the proposed terms of the lease, the County would provide approximately 350 square feet of office space on the first floor of the courthouse for \$1.00 per year for a period of three (3) years. Included in the lease are all utilities except telephone, parking spaces and janitorial services. During the term of the lease either party may terminate the lease with a 60 day written notice.

It is understood by the Department of Public Safety that the need for the space for court related purposes may require notice of termination prior to the end of the initial term.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
CAPITAL PROJECT/GRANT ORDINANCE REQUIRED:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
PRE-AUDIT CERTIFICATION REQUIRED:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
REVIEWED BY DIRECTOR OF FISCAL OPERATIONS	<input type="checkbox"/> YES	<input type="checkbox"/> NO

CONTRACTS/AGREEMENTS:

REVIEWED BY COUNTY ATTORNEY: ☐ YES ☐ NO ☒ N/A

ADVISORY BOARD RECOMMENDATION:

COUNTY MANAGER'S RECOMMENDATION:



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

170

Approve Lease Agreement Between the County of Brunswick and the State of North Carolina.

ATTACHMENTS:

1. Lease Agreement
2. _____
3. _____

ACTION OF THE BOARD OF COMMISSIONERS

APPROVED:
DENIED:
DEFERRED
UNTIL:

☐
☐

ATTEST: CLERK TO THE BOARD

SIGNATURE

OTHER:

**THIS LEASE DOES NOT BECOME EFFECTIVE UNTIL EXECUTED
BY THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY**

STATE OF NORTH CAROLINA

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this the _____ day of _____, 2013, by and between **COUNTY of BRUNSWICK**, hereinafter designated as Lessor, and the **STATE OF NORTH CAROLINA**, hereinafter designated as Lessee;

WITNESSETH:

WHEREAS, authority to approve and execute this lease agreement was delegated to the Department of Administration by resolution adopted by the Governor and Council of State on the 1st day of September, 1981; and

WHEREAS, the Department of Administration has delegated to this State agency the authority to execute this lease agreement by a memorandum dated the 17th day of April, 1985; and

NOW THEREFORE, in consideration of the rental hereinafter agreed to be paid and the terms and conditions hereinafter set forth, Lessor does hereby let and lease unto Lessee and Lessee hereby takes and leases from Lessor for and during the period of time and subject to the terms and conditions hereinafter set out certain space in **(See Below) County of Brunswick**, North Carolina, more particularly described as follows:

Being +/- 350 net square feet of office space located at 310 Government Center Drive, NE, (Brunswick County Courthouse), Bolivia, Brunswick County, North Carolina.

(NORTH CAROLINA STATE HIGHWAY PATROL)

THE TERMS AND CONDITIONS OF THIS LEASE AGREEMENT ARE AS FOLLOWS:

1. The term of this lease shall be for a period of three **(3) Years** commencing on the **1st day of April, 2013** or as soon thereafter as the leased premises are ceded to the Lessee and terminating on the **31st day of March 2016**.

2. The Lessee shall pay to the Lessor as rental for said premises the sum of **\$1.00** Dollars per term to be payable within fifteen (15) days from receipt of invoice in triplicate.

The Lessee agrees to pay the aforesaid rental to Lessor at the address specified, or, to such other address as the Lessor may designate by a notice in writing at least fifteen (15) days prior to the due date.

3. Lessor agrees to furnish to the Lessee, as a part of the consideration for this lease, the following services and utilities to the satisfaction of the Lessee.

- A. Heating facilities, air conditioning facilities, adequate electrical facilities, adequate lighting fixtures and sockets, hot and cold water facilities, and adequate toilet facilities.
- B. Janitorial services and supplies including maintenance of lawns, parking areas, common areas and disposal of trash.
- C. All utilities except telephone.
- D. Parking as available.
- E. The lessor covenants that the leased premises are generally accessible to persons with disabilities. This shall include access into the premises from the parking areas (where applicable), into the premises via any common areas of the building and access to an accessible restroom.

4. During the lease term, the Lessor shall keep the leased premises in good repair and tenantable condition, to the end that all facilities are kept in an operative condition. Maintenance shall include, but is not limited to furnishing and replacing electrical light fixture ballasts, air conditioning and ventilating equipment filter pads, if applicable, and broken glass. In case Lessor shall, after notice in writing from the Lessee in regard to a specified condition, fail, refuse, or neglect to correct said condition, or in the event of an emergency constituting a hazard to the health or safety of the Lessee's employees, property, or invitees, it shall then be lawful for the Lessee in addition to any other remedy the Lessee may have to make such repair at its own cost and to invoice the amount thereof to the Lessor. The Lessor reserves the right to enter and inspect the leased premises, at reasonable times, and to make necessary repairs to the premises.

5. It is understood and agreed that Lessor shall, at the beginning of said lease term as hereinabove set forth, have the leased premises in a condition satisfactory to Lessee, including repairs, painting, partitioning, remodeling, plumbing and electrical wiring suitable for the purposes for which the leased premises will be used by Lessee.

6. The Lessee shall have the right during the existence of this lease, with the Lessor's prior consent, to make alterations, attach fixtures and equipment, and erect additions, structures or signs in or upon the leased premises. Such fixtures, additions, structures or signs so placed in or upon or attached to the leased premises under this lease or any prior lease of which this lease is an extension or renewal shall be and remain the property of the Lessee and may be removed therefrom by the Lessee prior to the termination of this lease or any renewal or extension thereof, or within a reasonable time thereafter. The Lessee shall have no duty to remove any improvement or fixture placed by it on the premises or to restore any portion of the premises altered by it. In the event Lessee elects to remove his improvements or fixtures and such removal causes damage or injury to the demised premises, Lessee will repair only to the extent of any such damage or injury.

7. If the said premises be destroyed by fire or other casualty without fault of the Lessee, this lease shall immediately terminate. In case of partial destruction or damage by fire or other casualty without fault of the Lessee, so as to render the premises untenantable in whole or in part, and during such period of repair, and if the Lessor can not provide suitable office space, the Lessee shall have the right to obtain similar office space.

8. Lessor shall be liable to Lessee for any loss or damages suffered by Lessee which are a direct result of the failure of Lessor to perform an act required by this lease, and provided that Lessor could reasonably have complied with said requirement.

9. Upon termination of this lease, the Lessee will peaceably surrender the leased premises in as good order and condition as when received, reasonable use and wear and damage by fire, war, riots, insurrection, public calamity, by the elements, by act of God, or by circumstances over which Lessee had no control or for which Lessor is responsible pursuant to this lease, excepted.

10. The Lessor agrees that the Lessee, upon keeping and performing the covenants and agreements herein contained, shall at all times during the existence of this lease peaceably and quietly have, hold, and enjoy the leased premises free from the adverse claims of any person.

11. The failure of either party to insist in any instance upon strict performance of any of the terms and conditions herein set forth shall not be construed as a waiver of the same in any other instance. No modification of any provision hereof and no cancellation or surrender thereof shall be valid unless in writing and signed and agreed to by both parties.

12. Any hold over after the expiration of the said term or any extension thereof, shall be construed to be a tenancy from month to month, and shall otherwise be on the terms and conditions herein specified, so far as applicable; however, either party shall give not less than sixty (60) days written notice to terminate the tenancy. This lease shall abls be terminated by either party during the lease term by a 60 say written day notice from one to the other.

13. The parties to this lease agree and understand that the continuation of this lease agreement for the term period set forth herein, or any extension or renewal thereof, is dependent upon and subject to the appropriation, allocation or availability of funds for this purpose to the agency of the Lessee responsible for payment of said rental. The parties to this lease also agree that in the event the agency of the Lessee or that body responsible for the appropriations of said funds, in its sole discretion, determines, in view of its total local office operations that available funding for the payment of rents are insufficient to continue the operation of its local offices on the premise leased herein, it may choose to terminate the lease agreement set forth herein by giving Lessor written notice of said termination, and the lease agreement shall terminate immediately without any further liability to Lessee.

14. All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified and postage prepaid and addressed as follows: To the Lessor at **310 Government Center Drive, Unit 1 Bolivia, North Carolina 28422** and the Lessee at **4227 Mail Service Center, Raleigh, North Carolina 27699-4227**. Nothing herein contained shall preclude the giving of such notice by personal service. The address to which notices shall be mailed as aforesaid to either party may be changed by written notice.

"N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization."

[Remainder of page intentionally left blank; signatures on following pages]

IN TESTIMONY WHEREOF, this lease has been executed by the parties hereto, in duplicate originals, as of the date first above written.

STATE OF NORTH CAROLINA

By: _____ (SEAL)
Drew Harbinson
Director of Purchasing & Logistics

LESSOR:

The County of Brunswick (SEAL)
Marty K. Lawing, County Manager
OR
James J. MacCallum
Clerk of Superior Court

ATTEST:

Secretary
(CORPORATE SEAL)

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that **Marty K. Lawing**, personally came before me this day and acknowledged that he is the **County Manager**, and that by authority and given as an act of **Brunswick County** and acknowledged the due execution of the foregoing instrument in its name.

WITNESS my hand and Notarial Seal, this the _____ day of _____, 2013.

Notary Public

My Commission Expires:



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

177

TO: Board of Commissioners
FROM: Marty K. Lawing, County Manager

ACTION ITEM #: VIII-7
MEETING DATE: April 1, 2013
DATE SUBMITTED: March 25, 2013

ISSUE/ACTION REQUESTED:

PUBLIC HEARING: ☐ YES ☒ NO

Resolution to Proclaim April 2013 as National County Government Month and to Encourage all County Officials, Employees, Schools and Residents to Participate in County Government Activities.

BACKGROUND/PURPOSE OF REQUEST:

National County Government Month, sponsored and promoted by the National Association of Counties, in a annual celebration of county government held each April. Since 1991 NACo has encouraged counties to promote the services and programs they offer to raise public awareness and understanding about the various services provided to the community.

The theme for 2013 is "Smart Justice: Creating Safer Communities". Events can be planned around the justice theme or other county services. Brunswick County has participated in National County Government Month in prior years and offered open house and tours of county facilities. A group of Department Directors have volunteered to organize promote and coordinate county government month activities for April.

The costs to provide activities for NCGM are minimal, if any and can easily be absorbed into participating department budgets.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:

☐ YES ☐ NO

CAPITAL PROJECT/GRANT ORDINANCE REQUIRED:

☐ YES ☐ NO

PRE-AUDIT CERTIFICATION REQUIRED:

☐ YES ☐ NO

REVIEWED BY DIRECTOR OF FISCAL OPERATIONS

☐ YES ☐ NO

CONTRACTS/AGREEMENTS:

REVIEWED BY COUNTY ATTORNEY:

☐ YES ☐ NO ☒ N/A

ADVISORY BOARD RECOMMENDATION:

COUNTY MANAGER'S RECOMMENDATION:

Approve Resolution Proclaiming April 2013 as National County Government Month.



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

153

ATTACHMENTS:

1. Resolution
 2. _____
 3. _____
-

ACTION OF THE BOARD OF COMMISSIONERS

APPROVED:

☐

DENIED:

☐

DEFERRED

UNTIL:

ATTEST:

CLERK TO THE BOARD

SIGNATURE

OTHER:

County of Brunswick
Office of the County Commissioners

173



NATIONAL COUNTY GOVERNMENT MONTH - APRIL 2013
"SMART JUSTICE: CREATING SAFER COMMUNITIES"

WHEREAS, the nation's 3,069 counties provide a variety of essential public services to communities serving more than 300 million Americans; and

WHEREAS, Brunswick County and all counties take pride in their responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and

WHEREAS, county governments are often the entity providing both direct and indirect services to enhance the lives residents and are responsible for maintaining public safety and the efficient use of local tax dollars; and

WHEREAS, currently more than 13 million individuals are booked into county jails each year and more than 700,000 individuals are booked into state and federal prisons; and

WHEREAS, National Association of Counties President Chris Rodgers is encouraging counties to promote effective community corrections programs across the country through his 2012-13 "Smart Justice" presidential initiative; and

WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to actively promote their own programs and services to the public they serve;

WHEREAS, Brunswick County will be developing activities to promote the "Smart Justice: Creating Safer Communities" theme and to enhance public awareness about its many programs and services.

NOW, THEREFORE, BE IT RESOLVED THAT the Brunswick County Board of Commissioners does hereby proclaim April 2013 as National County Government Month and encourages all county officials, employees, schools and residents to participate in county government celebration activities.

Adopted this 1st day of April, 2013.

Phil Norris, Chairman
Brunswick County Commissioners

Attest:

Deborah S. (Debby) Gore, NCCCC
Clerk to the Board



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
2013

180

TO: Board of Commissioners
FROM: Marty K. Lawing, County Manager

ACTION ITEM #: VIII-8
MEETING DATE: 4-1-13
DATE SUBMITTED: 3-27-13

ISSUE/ACTION REQUESTED:

PUBLIC HEARING: ☐ YES ☒ NO

Resolution of the Brunswick County Board of Commissioners Requesting the Return of Brunswick County to the Wilmington Metropolitan Statistical Area.

BACKGROUND/PURPOSE OF REQUEST:

Due to the results of the 2010 Decennial Census realignments have been made to the Metropolitan Statistical Areas in the United States. Brunswick County has historically been included in the Wilmington MSA and was changed in February 2013 to be included the Myrtle Beach MSA. Economic development and elected officials in southeastern North Carolina are concerned about the potential negative impact on how the region is viewed by development prospects. This resolution is requesting that the U.S. Office of Management and Budget return Brunswick County to the Wilmington MSA.

The U.S. Office of Management and Budget delineates metropolitan or micropolitan statistical areas according to published standards that are applied to Census Bureau data. The general concept of a micropolitan statistical area is that of a core area containing a substantial population nucleus, together with adjacent communities having a high degree of economic and social integration with that core.

In the attached fact sheet, the Office of Management and Budget makes a statement regarding MSA's that they recognize that a number of agencies use MSA's for nonstatistical programmatic applications, but OMB delineates the areas for statistical purposes only and the OMB does not attempt to anticipate or take into account any non-statistical uses that may be made of the delineations, nor will OMB modify the delineations to meet the requirements of any nonstatistical program.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
CAPITAL PROJECT/GRANT ORDINANCE REQUIRED:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
PRE-AUDIT CERTIFICATION REQUIRED:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
REVIEWED BY DIRECTOR OF FISCAL OPERATIONS	<input type="checkbox"/> YES	<input type="checkbox"/> NO

CONTRACTS/AGREEMENTS:

REVIEWED BY COUNTY ATTORNEY: ☐ YES ☐ NO ☒ N/A

ADVISORY BOARD RECOMMENDATION:

COUNTY MANAGER'S RECOMMENDATION:

Approve Resolution Requesting the Return of Brunswick County to the Wilmington Metropolitan Statistical Area.

ATTACHMENTS:

1. Resolution
2. _____
3. _____

ACTION OF THE BOARD OF COMMISSIONERS**APPROVED:**☐**DENIED:**☐**DEFERRED****UNTIL:**

ATTEST:**CLERK TO THE BOARD**_____
SIGNATURE**OTHER:**

County of Brunswick
Office of the County Commissioners



**RESOLUTION OF THE BRUNSWICK COUNTY BOARD OF COMMISSIONERS
REQUESTING THE RETURN OF BRUNSWICK COUNTY TO THE WILMINGTON
METROPOLITAN STATISTICAL AREA**

WHEREAS, the United States Census Bureau has completed the 2010 Decennial Census and has reported population, demographic and income figures for all counties, municipalities and Metropolitan Statistical Areas in the country, and

WHEREAS, based on population growth patterns in the southeastern North Carolina and northeastern South Carolina between 2000 and 2010, the U.S. Office of Management and Budget recently announced the realignment of the nation's metropolitan areas, and

WHEREAS, one of the realignments included removing Brunswick County from the Wilmington Metropolitan Statistical Area and placing it in the Myrtle Beach Metropolitan Statistical Area, and

WHEREAS, while MSA's crossing state boundaries is not unprecedented, the change could have a major adverse impact on the way southeastern North Carolina is viewed by economic development prospects and investors, and

WHEREAS, in past census reports, commuting patterns were among the primary reasons a community was recognized to be part of a particular MSA; and

WHEREAS, commuting patterns demonstrate that the vast majority of Brunswick County residents commute to New Hanover County and other North Carolina counties, not to South Carolina; and

WHEREAS, area Chambers of Commerce, Economic Development Agencies and elected officials that represent jurisdictions in southeastern North Carolina believe this new affiliation will not only negatively impact Brunswick County's development efforts, but those of the other counties in the Wilmington MSA, namely Pender County and New Hanover; and

WHEREAS, Brunswick County has a regional focus on economic development and that focus and affiliation and marketing strategy has been aligned with the Wilmington MSA for many years; and

WHEREAS, it is the strong desire of Brunswick County to remain in the Wilmington MSA;

NOW THEREFORE BE IT RESOLVED THAT; the Brunswick County Board of Commissioners do hereby strongly request that the U.S. Office of Management and Budget revise its recent metropolitan area alignment by returning Brunswick County, North Carolina to the Wilmington Metropolitan Statistical Area immediately.

Adopted this the 1st day of April, 2013.

Phil Norris, Chairman
Brunswick County Commissioners

Attest:

Deborah S. (Debby) Gore, NCCCC
Clerk to the Board

You are here: [Census.gov](#) > [People and Households](#) > [Metropolitan and Micropolitan Main](#) > About Metropolitan and Micropolitan Statistical Areas

Metropolitan and Micropolitan

About Metropolitan and Micropolitan Statistical Areas

184

The United States Office of Management and Budget (OMB) delineates metropolitan and micropolitan statistical areas according to published standards that are applied to Census Bureau data. The general concept of a metropolitan or micropolitan statistical area is that of a core area containing a substantial population nucleus, together with adjacent communities having a high degree of economic and social integration with that core. Currently delineated metropolitan and micropolitan statistical areas are based on application of [2010 standards](#) [PDF] (which appeared in the Federal Register on June 2010) to 2010 Census and 2006-2010 American Community Survey data. Current metropolitan and micropolitan statistical area delineations were announced by OMB effective February 2013.

Standard delineations of metropolitan areas were first issued in 1949 by the then Bureau of the Budget (predecessor of OMB), under the designation "standard metropolitan area" (SMA). The term was changed to "standard metropolitan statistical area" (SMSA) in 1959, and to "metropolitan statistical area" (MSA) in 1983. The term "metropolitan area" (MA) was adopted in 1990 and referred collectively to metropolitan statistical areas (MSAs), consolidated metropolitan statistical areas (CMSAs), and primary metropolitan statistical areas (PMSAs). The term "core based statistical area" (CBSA) became effective in 2000 and refers collectively to metropolitan and micropolitan statistical areas.

OMB has been responsible for the official metropolitan areas since they were first delineated, except for the period 1977 to 1981, when they were the responsibility of the Office of Federal Statistical Policy and Standards, Department of Commerce. The standards for delineating metropolitan areas were modified in 1958, 1971, 1975, 1980, 1990, 2000, and 2010.

Delineating Metropolitan and Micropolitan Statistical Areas

The 2010 standards provide that each CBSA must contain at least one urban area of 10,000 or more population. Each metropolitan statistical area must have at least one urbanized area of 50,000 or more inhabitants. Each micropolitan statistical area must have at least one urban cluster of at least 10,000 but less than 50,000 population.

Under the standards, the county (or counties) in which at least 50 percent of the population resides within urban areas of 10,000 or more population, or that contain at least 5,000 people residing within a single urban area of 10,000 or more population, is identified as a "central county" (counties). Additional "outlying counties" are included in the CBSA if they meet specified requirements of commuting to or from the central counties. Counties or equivalent entities form the geographic "building blocks" for metropolitan and micropolitan statistical areas throughout the United States and Puerto Rico.

If specified criteria are met, a metropolitan statistical area containing a single core with a population of 2.5 million or more may be subdivided to form smaller groupings of counties referred to as "metropolitan divisions."

As of February 2013, there are 381 metropolitan statistical areas and 536 micropolitan statistical areas in the United States. In addition, there are 7 metropolitan statistical areas and 5 micropolitan statistical areas in Puerto Rico.

Principal Cities and Metropolitan and Micropolitan Statistical Area Titles

The largest city in each metropolitan or micropolitan statistical area is designated a "principal city." Additional cities qualify if specified requirements are met concerning population size and employment. The title of each metropolitan or micropolitan statistical area consists of the names of up to three of its principal cities and the name of each state into which the metropolitan or micropolitan statistical area extends. Titles of metropolitan divisions also typically are based on principal city names but in certain cases consist of county names.

Delineating New England City and Town Areas

In view of the importance of cities and town in New England, the 2010 standards also provide for a set of geographic areas that are delineated using cities and towns in the six New England states. The New England city and town areas (NECTAs) are delineated using the same criteria as metropolitan and micropolitan statistical areas and are identified as either metropolitan or micropolitan, based, respectively, on the presence of either an urbanized area of 50,000 or more population or an urban cluster of at least 10,000 but less than 50,000 population. If the specified criteria are met, a NECTA containing a single core with a population of at least 2.5 million may be subdivided to form smaller groupings of cities and towns referred to as New England city and town area divisions.

Changes in Delineations over Time

Changes in the delineations of these statistical areas since the 1950 census have consisted chiefly of:



- the recognition of new areas as they reached the minimum required city or urbanized area population, and
- the addition of counties (or cities and towns in New England) to existing areas as new decennial census data showed them to qualify.

In some instances, formerly separate areas have been merged, components of an area have been transferred from one area to another, or components have been dropped from an area. The large majority of changes have taken place on the basis of decennial census data. However, Census Bureau data serve as the basis for intercensal updates in specified circumstances.

Because of these historical changes in geographic delineations, users must be cautious in comparing data for these statistical areas from different dates. For some purposes, comparisons of data for areas as delineated at given dates may be appropriate; for other purposes, it may be preferable to maintain consistent area delineations. Historical statistical area delineations are available for 2003 through 2009, 1999, 1993, 1990, 1983, 1981, 1973, 1970, 1963, 1960, and 1950.

Uses of Metropolitan and Micropolitan Statistical Areas

While OMB recognizes that a number of agencies, both inside and outside the Federal government, make use of the delineations of metropolitan and micropolitan statistical areas for nonstatistical programmatic applications, OMB delineates the areas for statistical purposes only. In delineating metropolitan and micropolitan statistical areas, OMB does not attempt to anticipate or take into account any nonstatistical uses that may be made of the delineations, nor will OMB modify the delineations to meet the requirements of any nonstatistical program. Questions about how metropolitan or micropolitan statistical areas are used within any particular nonstatistical program should be directed to the agency that administers that particular program.

[PDF] or  denotes a file in Adobe's [Portable Document Format](#). To view the file, you will need the [Adobe® Reader®](#)  available free from Adobe.

Source: U.S. Census Bureau | Metropolitan and Micropolitan | Last Revised: 2013-02-26T13:39:00Z 231-05-00

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
BOARD APPOINTMENTS**

BRUNSWICK COUNTY MARINE FISHERIES ADVISORY BOARD

<u>Board Member</u>	<u>Appt. Date</u>	<u>Term</u>	<u>District</u>	<u>Exp. Date</u>
Potts, Mike	06/12	2	1	07/01/2014
Edwards, Melba	09/12	2	2	08/01/2014
Jerry Dilsaver	03/13	2	3	02/01/2015
Beasley, Alan	03/13	2	4	02/01/2015
Jones, Elgie	02/12	2	5	02/01/2014

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
BOARD APPOINTMENTS**

**BRUNSWICK COUNTY NURSING HOME AND ADULT CARE HOME
COMMUNITY ADVISORY COMMITTEE**

<u>BOARD MEMBER</u>	<u>APPT. DATE</u>	<u>TERM</u>	<u>DISTRICT</u>	<u>EXP. DATE</u>
Willie Richardson	06/12	3	1	07/01/2015
Carol W. Sutter	07/12	3	2	09/01/2013
Arlene Rushin	12/10	3	3	01/01/2014
Joe Butler (resigned)	03/13	3	4	02/01/2014
Vince Musilli (Chairman)	10/11	3	5	11/01/2014
Cenetta Lee	06/12	3	at-large	02/01/2013
Jane Ivey (resigned)	09/10	3	at-large	07/01/2015
Laura Liggett (Vice-Chair)	06/09	3	at-large	07/01/2015
Fauna W. Schaub	03/13	3	at-large	02/01/2014
Shirley Dowd	05/10	3	at-large	07/01/2013